

Request for Reconsideration after Final Action

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SERIAL NUMBER	85527029
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><u>REQUEST FOR RECONSIDERATION</u></p> <p><u>I. INTRODUCTION</u></p> <p>World Trade Centers Association, Inc. (“WTCA” or “Applicant”), is in receipt of a Final Office Action dated September 6, 2012, in connection with Appl. No. 85/527,029 for WTC (the “Mark”) in Class 9. The Examining Attorney has maintained his refusal to register based on the alleged failure of the Mark to function as a trademark. For the reasons set forth below and based on additional evidence and case law submitted herein, Applicant respectfully requests that the Examining Attorney withdraw the final refusal of registration because the Mark is capable of functioning as a trademark to identify and distinguish Applicant’s goods listed in the subject application.</p> <p><u>II. LAW AND ARGUMENT</u></p> <p>A. The Examining Attorney’s Failure-To-Function Refusal Against Applicant’s Intent-To Use Application Is Contrary To TMEP Instructions And Relies On Irrelevant Case Law</p> <p>An important factor in determining whether matter sought to be registered functions as a trademark is the impression the matter makes on the relevant public. <u>In re Aerospace Optics, Inc.</u>, 78 U.S.P.Q. 2d 1861 (T.T.A.B. 2006). To be a trademark, a term must be used in a manner calculated to project to purchasers or potential purchasers a single source or origin for the goods. The determination of whether a term functions as a source indicator is made by examining the <u>specimens of use</u> along with any other relevant materials submitted by the applicant which show how the mark is actually used in the marketplace. <u>See also In re Bose Corp.</u>, 546 F.2d 893, 897, 192 U.S.P.Q. 213, 216 (C.C.P.A. 1978) (noting that “the manner in which an applicant has employed the asserted mark, <u>as evidenced by the specimens of record</u>, must be carefully considered in determining whether the asserted mark has been used as a trademark with respect to the goods named in the application” and that “an application for registration must be judged in light of the specimens of record”) (emphasis added); <u>In re Safariland Hunting Corp.</u>, 24 U.S.P.Q. 2d 1380, 1381 (T.T.A.B. 1992) (stating that “[s]ince the specimens of</p>	

record show how the applied-for mark is actually used in commerce, we must primarily look to the specimens to see if the designation would be perceived as a source indicator”) (emphasis added). Because this functionality determination hinges upon how the relevant term is actually being used in the marketplace, refusals based on failure to function as a trademark generally should not issue in the intent-to-use or Section 1(b) context. See TMEP §1202. (“The issue of whether a designation functions as a mark usually is tied to the use of the mark, as evidenced by the specimen. Therefore, unless the drawing and description of the mark are dispositive of the failure to function without the need to consider a specimen, generally, no refusal on this basis will be issued in an intent-to-use application under §1(b) of the Trademark Act, 15 U.S.C. §1051(b), until the applicant has submitted a specimen(s) with an allegation of use . . .”). (Emphasis added).

In this case, the Examining Attorney issued a final refusal against Applicant’s intent-to-use application on the basis that the Mark fails to function as a trademark. This determination clearly runs contrary to the general rule that functionality refusals not be issued against intent-to-use applications, and it is improper in this case because the drawing and description of the Mark are not “dispositive of the failure to function without the need to consider a specimen.” See TMEP §1202. The Examining Attorney did not specifically find that it was unnecessary to consider a specimen in this case, and he did not determine – nor could he determine – that the Mark constitutes one of the types of marks that typically cannot function as a trademark, such as marks used solely as a trade name, functional trade dress, ornamentation and/or informational matter. Indeed, the Examining Attorney did not give any reason whatsoever, in either office action, based on any sound principles defined by either case law or the TMEP that could justify his functionality refusal in the instant case. For this reason alone, the Examining Attorney’s decision should be reversed.

Instead of relying upon sound, applicable principles of trademark law, the Examining Attorney’s determination herein relied, in part, upon irrelevant case law, namely In re Remington Products, 3 U.S.P.Q. 2d 1714, 1715 (T.T.A.B. 1987) (finding PROUDLY MADE IN USA was a slogan rather than a source indicator); In re Volvo Cars of N. Am., Inc., 46 U.S.P.Q. 2d 1455 (T.T.A.B. 1998) (holding DRIVE SAFELY phrase would be perceived as an informational phrase or slogan rather than a trademark); and In re Manco, Inc., 24 U.S.P.Q. 2d 1938 (T.T.A.B. 1992) (determining that consumers would perceive THINK GREEN as an informational slogan rather than a trademark). These cases are inapt for two reasons as explained in the paragraphs below.

First, in each of the above cases, the applicants submitted specimens of use demonstrating how the mark actually was being used in commerce, and the examining Attorney and the T.T.A.B. were able to, and did, review and evaluate the specimens of use in making a final determination that the marks in question did not function as trademarks. In the instant case, by stark contrast, there are no specimens of record to review. Therefore, the Examining Attorney did not make, and could not have made, his determination that the Mark fails to function as a trademark because of the way it appears on any specimen of use.

Second, in each of the above cases, the marks at issue were denied registration on the basis that they were of an informational nature, as reflected on the relevant specimens of use. The Mark in the instant case clearly is not “of an informational nature,” and the Examining Attorney did not find that it was. As stated above, the Examining Attorney has not given any sound reason supporting the refusal in this case, and the record is devoid of any evidence indicating that the purchasing public does not perceive the Mark as a source indicator of Applicant’s goods. Because the Examining Attorney’s refusal improperly ignores TMEP instructions and relies upon case law that is not relevant to the instant case, the refusal to register should be reversed.

B. The Examining Attorney's Functionality Determination Is Not Based Upon Concrete, Reliable Evidence Of Public Perception

The Examining Attorney's refusal in this case is based on the premise that the Mark does not function as a trademark because it calls to mind only the terrorist events of September 11, 2001. As explained more fully below, the Examining Attorney's reasoning is improper because it does not rely upon any concrete evidence establishing the public's perception of the Mark.

In support of his conclusion that the Mark calls to mind only the terrorist events of September 11, 2001, the Examining Attorney relies upon various online dictionary definitions of "World Trade Center" and "WTC," as well as screenshots from selected websites that use the term with reference to those events. The Examining Attorney's reasoning and conclusion are problematic for two reasons: (1) the evidence upon which the Examining Attorney relies is of little probative value concerning the ultimate issue in this case – i.e., how the public actually perceives the Mark; and (2) notwithstanding its limited probative value, many of the dictionary definitions upon which the Examining Attorney relies have been corrected to identify the Mark as a trademark.

1. Dictionary And Web References Are Of Limited Probative Value

In both office actions, the Examining Attorney's reliance on dictionary definitions to support his conclusion is problematic because dictionary entries are not definitive of the public's perception of a term. Indeed, dictionary definitions often are subjective and tend to reflect the editors' understanding of a term rather than that of the actual purchasers of the goods and services. See Berner Int'l Corp. v. Mars Sales Corp., 987 F.2d 975, 983 (3d Cir. 1993). As set forth in Berner:

dictionaries also may not reflect word meaning among those persons who purchase the particular products involved Dictionary entries also reflect lexicographical judgment and editing which may distort a word's meaning or importance. A Court accepting a dictionary entry at face value is in effect adopting the lexicographical judgment as its own, even though such a judgment might be based on printed matter which, if offered in evidence, would not be controlling.

See id. (internal citations and punctuation omitted).

In the second office action, the Examining Attorney's reliance on other scattered web references is similarly misguided and inconclusive of consumer perception. As the court in In re Merrill Lynch, Pierce, Fenner, and Smith, 828 F.2d 1567, 1571 (Fed. Cir. 1987) stated in overturning the refusal to register CASH MANAGEMENT ACCOUNT, "[t]he mixture of usages unearthed by the NEXIS computerized retrieval service does not show, by clear evidence, that the financial community views and uses the term CASH MANAGEMENT ACCOUNT as a generic, common descriptive term for the brokerage services to which Merrill Lynch first applied the term." Similarly, in In re American Fertility Society, 188 F.3d 1341, 51 U.S.P.Q. 2d 1832 (Fed. Cir. 1999), the Federal Circuit reversed the Board's refusal because the PTO failed to provide any evidence of the public's understanding of the phrase SOCIETY FOR REPRODUCTIVE MEDICINE. In that case, the Federal Circuit stated that "the board cannot simply cite definitions and generic uses of the constituent terms of a mark . . . in lieu of conducting an inquiry into the meaning of the disputed phrase as a whole to hold a mark . . . generic." Id. at 1836. In the instant case, the Examining Attorney relies heavily upon a few screenshots from some websites he has selected to support his assertion that the public perceives the Mark as referring only to the events of September 11, 2001. However, such a mere smattering of evidence is not enough

to establish how the public actually perceives the Mark. In re Merrill Lynch and In re American Fertility Society both make clear that more is necessary to determine whether a mark can function as a trademark when consumer perception is part of the determination. Significantly, the Examining Attorney has made no direct inquiry regarding, and he has failed to provide any concrete evidence of, consumer perception regarding the Mark's ability to function as a trademark for Applicant's goods. Thus, his decision should be reversed.

2. Many Of The Online Dictionary References Have Changed To Reflect The Mark's Trademark Status

Moreover, beyond its limited probative value, much of the evidence upon which the Examining Attorney relies to support his refusal to register, including the dictionary definitions relied upon in both office actions, no longer exists. Applicant has contacted the editors of the various online dictionaries, and in each case, the editor of the publication containing the relevant dictionary definition has been extremely cooperative and responsive in connection with Applicant's notification that the term at issue is a trademark. Specifically, in each case, the editors have recognized that their subjective determination did not amount to an accurate reflection of the purchasing public's understanding of WORLD TRADE CENTER or WTC, and in light of that recognition, they have corrected the definitions to accurately define WORLD TRADE CENTER and WTC. See Exhibit 1 containing corrected dictionary definitions published by HarperCollins Publishers in Collins English Dictionary-Complete & Unabridged 10th Edition 2009 and by Houghton Mifflin Company in The American Heritage New Dictionary of Cultural Literacy, Third Edition. [1] These corrected definitions indicate that the Mark is a trademark used to identify Applicant, its services, and any number of iconic buildings worldwide that house organizations and businesses dedicated to promoting and supporting world trade and international commerce, rather than merely the complex of buildings destroyed in the September 11, 2001 attacks.

Like HarperCollins Publishers and Houghton Mifflin Company, other editors have also acknowledged the inaccuracies of their definitions of WORLD TRADE CENTER and WTC and have agreed to remove their inaccurate definitions. See Exhibit 2 attaching emails from the editors of Oxford University Press, Princeton University's WordNet Project and The Gale Group of Cengage Learning agreeing to take appropriate steps to remove their inaccurate definitions. [2]

Applicant's actions in this case – and the editors' responses thereto – are strong indicators that the Mark functions as a trademark. See Plyboo America Inc. v. Smith & Fong Co., 51 U.S.P.Q. 2d 1633, 1642, 1999 WL 667420 (T.T.A.B. 1999) (finding that a trademark owner's letter to the editor of a newspaper that used its mark in a generic sense – and the newspaper's subsequent printing of a correction notice acknowledging the mark's trademark status – was relevant evidence of functionality).

In Plyboo America the issue was the trademark status of the term PLYBOO for plywood made of bamboo. The San Francisco Examiner used the term as a generic name for that kind of plywood. Applicant sent a letter to the editor and the San Francisco Examiner printed a correction stating that PLYBOO is a trademark of applicant. Applicant's activities, and the editors' positive reaction to and accommodation of Applicant's requests, mirror the scenario in Plyboo America and support Applicant's position that the Mark functions as a trademark.

C. The Final Refusal Should Be Reversed Based On Applicant's Evidence That The Mark Functions As A Trademark

Applicant has presented solid evidence to rebut the Examining Attorney's position that the Mark does

not function as a trademark. Applicant addresses this evidence more fully below.

1. Third Party Declarations Establish That Consumers Perceive The Mark To Function As A Trademark

First, Applicant has submitted evidence in the form of numerous declarations executed by third parties attesting to the fact that the Mark is a source identifier of Applicant and its services and that they recognize the Mark to function as a trademark. See Richie Decl., Exh. 10 (attached to first office action response dated August 9, 2012). The Examining Attorney takes the position that these declarations are self-serving in nature and thus their evidentiary value is diminished. However, his position is without merit. See, e.g., Application of Schenectady Varnish Co., 280 F.2d 169, 171 (C.C.P.A. 1960) (determining, with respect to form letters from companies with business relationships with appellant, “there is no reason for us to believe that the officers of those companies failed to tell the truth in order to help appellant prove its case.”); McCabe-Powers Auto Body Co. v. American Truck Equipment Co., 150 F.Supp. 194, 198 (D. Or. 1957) (noting testimony of independent dealers could not be treated lightly in determination of secondary meaning).

Attached at Exhibit 3 are additional declarations of third parties attesting to the fact that they perceive the Mark to function as a source identifier.

Indeed, these declarations are very telling of consumer perception of the Mark. The third parties providing these declarations, including executives from Applicant’s members as well as non-members, are not one and the same with Applicant. Rather, these individuals are among the relevant public whose perception regarding the Mark is critical to the instant case. In the face of this direct evidence of consumer perception, it is not possible to make the blanket statement that the Mark does not function as a trademark since it calls to mind only the terrorist events of September 11, 2001. Thus, the final refusal to register cannot stand.

2. Unauthorized Third Parties Cease Use Of The Mark Upon Applicant’s Request, Establishing That The Mark Functions As A Trademark

Second, Applicant has submitted evidence showing that unauthorized third parties have ceased use of the Mark upon Applicant’s request, thereby demonstrating the third parties’ recognition of the Mark as a trademark of Applicant. See Opposition Proceeding Nos. 91201403 and 91205109; Extension of Time filed against Appl. No. 78/125,583 and Judgment and Permanent Injunction on Consent, at Richie Decl., Exhs. 11 and 12 (attached to first office action response dated August 9, 2012). Three of the four proceedings were commenced after September 11, 2001. The fact that unauthorized third parties have ceased use and registration of their infringing marks upon notification of their infringing activities by Applicant is direct evidence of consumer perception that the Mark functions as a trademark.

3. Applicant’s Longstanding Registrations For WORLD TRADE CENTER And WTC And The Renewals Thereof Establish That The Mark Functions As A Trademark

Third, Applicant’s registrations for WORLD TRADE CENTER and WTC in connection with services repeatedly have been renewed.[3] The fact that these registrations have been renewed on more than one occasion since September 11, 2001 without any question from the Trademark Office as to consumer perception is evidence that the Mark functions as a strong trademark in the minds of consumers, not just in connection with the services covered by Applicant’s registrations, but generally and in connection with the goods covered by the subject application. If the Mark continues to be renewed for “association

services, namely fostering and promoting world trade and international business relationships”, the only logical conclusions are that the Trademark Office acknowledges that the Mark is a source identifier and that consumers necessarily perceive the Mark to be a source identifier. There is nothing in the record to establish that consumers distinguish between goods and services, or that they would make such distinctions between Applicant’s services and the goods at issue here.

The Examining Attorney acknowledges that the Mark is registered for services but inexplicably concludes that consumers could not possibly perceive the Mark to function as a trademark for goods. The Examining Attorney’s comment that the Mark is registered for association services “which are not related to the goods at issue here” is a red herring and simply makes no sense in the realities of the marketplace. If the Mark cannot function as a trademark for goods for the reasons set forth by the Examining Attorney in his final office action, then it should not be capable of functioning as a trademark for the registered services, whether the goods and services are related or not. Furthermore, and as noted above, there is nothing in the record to demonstrate that consumers have made or would make such distinctions here.

However, to the extent the relatedness of the relevant goods and services is a critical factor in determining whether the Mark can function as a trademark for goods, Applicant submits that the goods listed in the subject application are in fact related to its services. It is very common for service associations such as Applicant to adopt a single mark for both goods and services. In turn, the service associations’ provision of both goods and services under a single mark causes consumers quite naturally to associate both the goods and services as emanating from a single source. To illustrate this point, Applicant attaches at Exhibit 4 a list of trademark registrations and accepted applications owned by seven different service associations, namely Girl Scouts of the United States of America (the “Girl Scouts”), United States Tennis Association Incorporated (the “USTA”), Boy Scouts of America, National Council of Young Men’s Christian Associations of the United States (the “YMCA”), United Way Worldwide (the “United Way”), Rotary International, and Toastmasters International (“Toastmasters”). As set forth on this list, these service associations own applications and registrations for a broad range of both goods and services. For example, Toastmasters simultaneously owns a service mark registration for the TOASTMASTERS INTERNATIONAL and Design mark in Class 41 for “training in leadership, public speaking, communication, and critiquing thereof,” and trademark registrations for the same mark in Classes 14 and 16 for, inter alia, jewelry and books, respectively. Similarly, the YMCA simultaneously owns a service mark registration for the YMCA and Design mark in Class 43 for day care and temporary lodging services, and trademark registrations for the same mark in Classes 25 and 6 for, inter alia, bathing suits and trophies, respectively. Copies of registration certificates for a representative sample of these marks for different types of goods are attached at Exhibit 5.

Websites maintained by these service associations also demonstrate simultaneous use of the same mark on both goods and services. For example, the Girl Scouts’ website and online shop show that the Girl Scouts service association uses the GIRL SCOUTS and Design mark both in connection with goods, such as tote bags, jackets, and t-shirts, and in connection with services, such as professional development services and public policy and advocacy services. Similarly, the United Way’s website and online store show that the United Way uses the UNITED WAY and Design mark both in connection with goods, such as t-shirts and tote bags, and in connection with services, such as eleemosynary services. USTA’s website shows that USTA uses the USTA and Design mark in connection both with goods, such as t-shirts and hats, and with services, such as “promoting and developing [tennis]’s growth on all levels in the United States, from local communities to the crown jewel of the professional game, the US Open.” Copies of the relevant web pages from the USTA, Girl

Scouts, and United Way websites are attached hereto at Exhibit 6.

The fact that these service associations own multiple trademark registrations and applications for the same mark for both goods and services – and that they use the same mark in commerce in connection with both goods and services – demonstrates that associations like Applicant commonly provide both goods and services under the same mark, and that consumers expect that goods and services such as Applicant’s services and proposed goods emanate from a single source. “Third-party registrations which cover a number of differing goods and/or services, and which are based on use in commerce . . . have some probative value to the extent that they may serve to suggest that such goods or services are of a type which may emanate from a single source.” In re Jack B. Binion, 93 U.S.P.Q. 2d 1531 (T.T.A.B. 2009) (quoting In re Mucky Duck Mustard Co., 6 U.S.P.Q. 2d 1467, 1470 n.6 (T.T.A.B. 1988), *aff’d*, 864 F.2d 149 (Fed. Cir. 1988) and citing In re Albert Trostel & Sons Co., 29 U.S.P.Q. 2d 1783, 1785-86 (T.T.A.B. 1993)).

Additionally, Applicant notes that it is quite common for entities that own iconic buildings to use and register trademarks in connection with both goods and services related to their buildings, and for consumers, in turn, to expect and perceive that both the goods and the services come from the same source. Attached at Exhibit 7 is a list of registrations for marks used in connection with three iconic buildings. These include trademarks owned or filed by the Rockefeller Group, Inc. (for Rockefeller Center), TS 405 Lexington Owner, L.L.C. (for Chrysler Building), and Radio City Trademarks, LLC (for Radio City Hall). Copies of registration certificates for a representative sample of these marks are attached at Exhibit 8.

In sum, the above examples from the Federal Register of the USPTO clearly show that the Trademark Office – and, by extension, consumers – routinely recognize that organizations that render services also sell goods, and that goods and services bearing the same mark come from the same source. Accordingly, this representative sampling demonstrates that, in the view of the public, such goods and services are inherently interconnected and related to each other. There is no evidence whatsoever in the record to indicate that the instant case is any different.

D. The Examining Attorney’s Remaining Arguments Regarding Functionality Are Meritless

1. The Examining Attorney Cannot Successfully Distinguish LucasFilm

In the first office action, the Examining Attorney attempts to distinguish LucasFilm Ltd. v. High Frontier, 622 F.Supp. 931, 227 U.S.P.Q. 967 (D.D.C. 1985); however, for the reasons explained more thoroughly below, his arguments miss the mark.

First, the Examining Attorney attempts to distinguish the LucasFilm case on the basis that the proposed goods are unrelated to the association services in connection with which Applicant holds longstanding registrations for the Mark. As set forth above, this explanation is a red herring and without merit.

Second, the Examining Attorney attempts to distinguish LucasFilm on the basis that the case purportedly does not stand for the proposition that noncommercial use of a mark has no effect on the mark’s ability to function as a trademark. The Examining Attorney then notes several instances in which trademarks were lost to the public domain due to widespread generic use. However, the instant case is not similar to the DRY ICE or ESCALATOR examples the Examining Attorney provides because it is not about a mark that has become generic. Rather, the instant case is about consumer perception concerning the ability of Applicant’s Mark to function as a trademark for the goods covered

by its application. Therefore, LucasFilm is relevant because the Court therein made it clear that third party news and commentary or noncommercial, non-trade references will not undermine a trademark owner's ability to use its mark as a source identifier for its goods and services. Indeed, the language of LucasFilm is in direct opposition to the erroneous interpretation given by the Examining Attorney for why the Mark cannot function as a trademark.

As the LucasFilm court states:

But the use of star wars in political propaganda, newspapers or noncommercial, non-trade references will not undermine plaintiff's exclusive property right to use it in connection with goods and services. The words "star" and "wars" were in the common domain before plaintiff established its service mark and plaintiff's efforts gave STAR WARS a special, secondary meaning. Now the phrase star wars has acquired a double meaning, but it has not become a generic term that is a term associated with an entire class of goods or services. *Continued non-trade, noncommercial use cannot take the mark away from plaintiff Lucasfilms.* [Emphasis added.] Whether this use makes the trademark become ultimately more or less valuable is a matter of conjecture, but the trademark is still plaintiff's. The new meaning of the phrase in the political or scientific context does not affect the distinct, and still strong secondary meaning of STAR WARS in trade and entertainment.

Id. at 935. This passage makes crystal clear that LucasFilm does in fact support the proposition that certain types of non-commercial uses of a mark – including the very types of uses of the Mark the Examining Attorney identifies in his final office action – do not affect the ability of Applicant's Mark to function as a trademark to identify its goods and services. Again, the instant case is not about generic use, and the Examining Attorney's attempts to analogize the instant case in that manner are off-point and should be ignored.

Finally, the Examining Attorney argues that LucasFilm is significantly different from the instant case because the Mark was "not adopted by anyone in particular to refer to a particular idea . . . as was the case with the SDI initiative." Applicant fails to see the significance of this point for two reasons: First, although the Examining Attorney suggests otherwise, the term STAR WARS was not adopted by anyone in particular, but was used by "newspapers, politicians, scientists and spokesmen of allied and enemy nations . . . [and] [t]hrough persistent and prolific use in newspapers and magazines and over television and radio the phrase star wars has become a popular synonym for the SDI proposal." LucasFilm, 622 F.Supp. at 932-33. Second, the Mark in the instant case was not "preemptively taken over by a terrorist attack." The Mark has been, is, and continues to be, both before and after the events of September 11, 2001, a registered trademark with a clear source identifying function for Applicant's services. As set forth in LucasFilm, the fact that the term also has been used in certain non-trade, non-commercial ways in connection with the terrorist events of September 11, 2001 cannot and does not dissolve the longstanding source identifying function of Applicant's Mark.

In relation to this point, it bears repeating that Applicant's Mark is not about a single building complex located in New York City – i.e., the buildings that were subject to the September 11, 2001 attack. As Applicant explained in its first office action response, the Mark is not used exclusively in connection with this building complex. Applicant represents approximately 330 members in 98 countries, including 53 members in the U.S. that are authorized to use the Mark as a trademark. See Richie Decl., ¶3, Exh. 2 (attached to the first office action response dated August 9, 2012). These members pay a substantial initial "membership" fee, as well as annual fees in the nature of dues, to join the WTCA

organization and maintain their membership in order to enjoy the privileges and prestige of being a WTCA member, which includes a license to use the WORLD TRADE CENTER and WTC trademarks. See Richie Decl., ¶11. Member-licensees using the Mark in connection with offering goods, activities, and services devoted to the promotion and expansion of world trade and in connection with their respective buildings are located in numerous cities nationwide, including without limitation, Albany, Anchorage, Atlanta, Baltimore, Boston, Buffalo, Charleston, Cleveland, Dallas, Denver, Detroit, Fort Lauderdale, Honolulu, Houston, Jackson, Kansas City, Las Vegas, Los Angeles, Memphis, Miami, Milwaukee, New Orleans, New York, Orlando, Palm Beach, Philadelphia, Pittsburgh, Portland, Providence, Sacramento, St. Louis, San Antonio, San Diego, Savannah, Seattle, Tampa, and Washington, DC. See full listing of locations at Richie Decl., Exh. 3. A number of these members joined WTCA after September 11, 2001, and all of these members have paid and continue to pay membership fees and annual dues since that time, thereby demonstrating that the members understand the Mark to have great value and to function as an identifier of source after September 11, 2001. Moreover, the Mark is still being licensed for use in New York and a new building complex currently under construction will once again bear the Mark.

2. The Examining Attorney's Analogy To Pearl Harbor Undermines His Conclusion

The Examining Attorney's attempted comparison in the instant case to the attack on Pearl Harbor is another red herring and ultimately undermines his conclusion that Applicant's Mark is not capable of functioning as a trademark. The Examining Attorney is correct that Pearl Harbor, a single location in Hawaii, was subject to an enemy attack on December 7, 1941 that resulted in an unfortunate loss of life, much like the terrorist attacks of September 11, 2001. However, unlike this case and the Mark at issue herein, "Pearl Harbor" did not function as a trademark prior to the attack and was not used in connection with any particular goods or services. Furthermore, and also unlike the instant case, there were not hundreds of Pearl Harbor locations throughout the world offering services and goods under the Pearl Harbor brand. Perhaps most importantly, however, the Examining Attorney's attempted comparison to Pearl Harbor overlooks the fact that, despite the apparent association of Pearl Harbor with the World War II attack, United States trademark registrations were subsequently issued for marks containing the term PEARL HARBOR. These registrations clearly demonstrate that Pearl Harbor can function as a trademark despite the tragic events that occurred at that location during World War II. See, e.g., PEARL HARBOR for cigarettes (Reg. No. 2,974,078, which expired on February 24, 2012), PEARL HARBOR for fireworks (Reg. No. 1,713,457), and PEARL HARBOR II for T-shirts (Reg. No. 1,670,332, which expired on October 5, 2001). Copies of these relevant registration certificates are attached hereto at Exhibit 9.

E. Applicant's Mark Is Inherently Distinctive, Or In The Alternative, The Mark Has Become Distinctive Of The Goods In Applicant's Intent-To-Use Application

In the second office action, the Examining Attorney raised the issue of acquired distinctiveness and determined that "Applicant's claim [thereof] is insufficient because applicant has not shown sufficient relatedness of the registered services and the goods in the present application." See second office action. However, as the Examining Attorney notes, "a claim of acquired distinctiveness cannot overcome a failure to function as a trademark refusal." See second office action, citing TrafFix Devices, Inc. v. Mktg. Displays, Inc., 532 U.S. 23, 33, 58 U.S.P.Q. 2d 1001, 1007 (2001). Because acquired distinctiveness cannot overcome a failure to function refusal, the Examining Attorney's discussion of acquired distinctiveness at the end of the second office action assumes that Applicant's Mark is capable of functioning as a trademark – i.e., capable of having a source-identifying function beyond merely calling to mind the events of September 11, 2001. However, the Examining Attorney's

discussion also assumes that Applicant's Mark is not distinctive of the goods identified in the application. Applicant respectfully submits that this assumption is unfounded because the Mark is very distinctive when used in connection with the subject goods. Therefore, proof of acquired distinctiveness is unnecessary. But, to the extent the Examining Attorney would maintain that proof of acquired distinctiveness is required, Applicant submits that the Mark has become distinctive of the goods identified in its intent-to-use application.

1. The Mark is Inherently Distinctive

Applicant need not show that its Mark has acquired distinctiveness because the Mark is already distinctive. The Mark at issue is WTC and the goods at issue are "Binoculars, cameras, blank USB flash drives, chains for eye glasses, electronic personal organizer, eyeglass cases, eyeglasses, hard hats, light pens, magnets, mouse pads, cell phone cases, sunglasses, viewing devices, namely, digital photograph viewers, 3D digital photograph viewers, LCD displays, enclosures for LCD displays and enclosures for video players" in Class 9. The Examining Attorney does not explain, and there is nothing in the record to substantiate, how the Mark is not distinctive of the goods at issue. Because Applicant's Mark is inherently strong and distinctive in connection with the applied-for goods, Applicant need not prove acquired distinctiveness.

2. Applicant Has Established Acquired Distinctiveness, To The Extent Proof Thereof Is Required

Although Applicant believes, for the reasons set forth above, proof of acquired distinctiveness is unnecessary, Applicant submits in the alternative that it nevertheless has established acquired distinctiveness in this case. An applicant filing an intent-to-use application normally need not claim distinctiveness in the initial stages of the application process; however, in some cases, an applicant may do so. As set forth in In re Jack B. Binion, 93 U.S.P.Q. 2d 1531 (T.T.A.B. 2009) (citing In re Dial-A-Mattress Operating Corp., 240 F.3d 1341, 57 U.S.P.Q. 2d 1807, 1812 (Fed. Cir. 2001)):

an intent-to-use applicant that has used the same mark on related goods or services may file a claim of acquired distinctiveness under Section 2(f) before filing an amendment to allege use or statement of use, if the applicant can establish that, as a result of the applicant's use of the mark on other goods or services, the mark has become distinctive of the goods or services in the intent-to-use application, and that this previously created distinctiveness will transfer to the goods and services in the intent-to-use application when use in commerce begins.

To establish that an intent-to-use application has acquired distinctiveness, an applicant must prove two elements. First, the applicant must show that the same mark has acquired distinctiveness in connection with specified other goods and/or services. In re Jack B. Binion, 93 U.S.P.Q. 2d 1531. Proof of this element may be established, inter alia, through ownership of a prior registration for the same mark for related goods and/or services. See id. Second, the applicant must show there exists a "sufficient relationship between the goods and/or services in connection with which the mark has acquired distinctiveness and the goods and/or services recited in the intent-to-use application to warrant the conclusion that the previously created distinctiveness will transfer to the goods and/or services in the application upon use." See id. To prove the second element, the applicant must establish the relatedness of the goods and/or services in the intent-to-use application with the goods and/or services covered by the distinctive mark, "and that there is a strong likelihood that the mark's established trademark function will transfer to the related goods and/or services when use in commerce occurs." See id. (citing In re Rogers, 53 U.S.P.Q. 2d 1741, 1744 (T.T.A.B. 1999) and TMEP §1212.09(a) (6th ed.

rev. October 2009)).

Here, there can be no dispute that Applicant has established the first element. Applicant owns a longstanding registration (Reg. No. 1,749,086) for WTC – the identical mark at issue in this case. Applicant’s Mark has been in use since 1968 in connection with “association services, namely, fostering and promoting world trade and international business relationships”, and its registration therefor has been renewed on more than one occasion. See 37 C.F.R. § 2.41 (providing that ownership of a registration of the same mark on the Principal Register may be accepted as prima facie evidence of acquired distinctiveness); In re Nielsen Business Media, Inc., 93 U.S.P.Q. 2d 1545 (T.T.A.B. 2010) (noting same). Applicant also has established the second element necessary to prove acquired distinctiveness because the services for which Applicant holds the aforementioned longstanding registration are so closely related to the goods covered by the subject application “that the Mark’s established trademark function will transfer” to the related goods in the intent-to-use application when use of the Mark in commerce in connection with the goods occurs. See In re Jack B. Binion, 93 U.S.P.Q. 2d 1531. The relatedness of the goods cited in the subject application and the services covered by Applicant’s longstanding registration for the Mark is discussed in detail at Section II.C.3., supra. For these reasons and those explained above, Applicant has established acquired distinctiveness in this case.

III. CONCLUSION

Based on the foregoing facts, evidence, case law and the TMEP, it is clear that the Examining Attorney has not submitted any direct evidence whatsoever to establish that consumers do not perceive the Mark as an identifier of source such that the Mark cannot function as a trademark. Accordingly, the refusal to register must be withdrawn so that Applicant’s Mark can pass to publication.

[1] In addition, the vendors who incorporated the incorrect definitions on their websites were instructed to replace the incorrect definitions with the corrected definitions. For example, the dictionary definition for “World Trade Center” on the website at “thefreedictionary.com” now displays the corrected definition authored by Harper Collins Publishers.

[2] Additionally, the editor of the website “internetslang.com” removed the inaccurate definition of “WTC” from the website.

[3] Reg. No. 1,749,086 for the mark WTC has been renewed twice – on March 25, 2003 and again on February 1, 2013. Reg. No. 1,469,489 for the mark WORLD TRADE CENTER was renewed on February 19, 2008.

EVIDENCE SECTION

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RESPONSE SIGNATURE	/Ilene B. Tannen/
SIGNATORY'S NAME	Ilene B. Tannen
SIGNATORY'S POSITION	Attorney of Record, NY Bar Member
SIGNATORY'S PHONE NUMBER	212-326-3411
DATE SIGNED	03/04/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 04 14:19:43 EST 2013
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Request for Reconsideration after Final Action
To the Commissioner for Trademarks:

Application serial no. **85527029** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

REQUEST FOR RECONSIDERATION

I. INTRODUCTION

World Trade Centers Association, Inc. (“WTCA” or “Applicant”), is in receipt of a Final Office Action dated September 6, 2012, in connection with Appl. No. 85/527,029 for WTC (the “Mark”) in Class 9. The Examining Attorney has maintained his refusal to register based on the alleged failure of the Mark to function as a trademark. For the reasons set forth below and based on additional evidence and case law submitted herein, Applicant respectfully requests that the Examining Attorney withdraw the final refusal of registration because the Mark is capable of functioning as a trademark to identify and distinguish Applicant’s goods listed in the subject application.

II. LAW AND ARGUMENT

A. The Examining Attorney’s Failure-To-Function Refusal Against Applicant’s Intent-To Use Application Is Contrary To TMEP Instructions And Relies On Irrelevant Case Law

An important factor in determining whether matter sought to be registered functions as a trademark is the impression the matter makes on the relevant public. In re Aerospace Optics, Inc., 78 U.S.P.Q. 2d 1861 (T.T.A.B. 2006). To be a trademark, a term must be used in a manner calculated to project to purchasers or potential purchasers a single source or origin for the goods. The determination of whether a term functions as a source indicator is made by examining the specimens of use along with any other relevant materials submitted by the applicant which show how the mark is actually used in the marketplace. See also In re Bose Corp., 546 F.2d 893, 897, 192 U.S.P.Q. 213, 216 (C.C.P.A. 1978) (noting that “the manner in which an applicant has employed the asserted mark, as evidenced by the specimens of record, must be carefully considered in determining whether the asserted mark has been used as a trademark with respect to the goods named in the application” and that “an application for registration must be judged in light of the specimens of record”) (emphasis added); In re Safariland Hunting Corp., 24 U.S.P.Q. 2d 1380, 1381 (T.T.A.B. 1992) (stating that “[s]ince the specimens of record show how the applied-for mark is actually used in commerce, we must primarily look to the specimens to see if the designation would be perceived as a source indicator”) (emphasis added). Because this functionality determination hinges upon how the relevant term is actually being used in the marketplace, refusals based on failure to function as a trademark generally should not issue in the intent-to-use or Section 1(b) context. See TMEP §1202. (“The issue of whether a designation functions as a mark usually is tied to the use of the mark, as evidenced by the specimen. Therefore, unless the drawing and description of the mark are dispositive of the failure to function without the need to consider a specimen, generally, no refusal on this basis will be issued in an intent-to-use application under §1(b) of the Trademark Act, 15 U.S.C. §1051(b), until the applicant has submitted a specimen(s) with an allegation of use”). (Emphasis added).

In this case, the Examining Attorney issued a final refusal against Applicant’s intent-to-use application on the basis that the Mark fails to function as a trademark. This determination clearly runs contrary to the general rule that functionality refusals not be issued against intent-to-use applications, and it is improper in

this case because the drawing and description of the Mark are not “dispositive of the failure to function without the need to consider a specimen.” See TMEP §1202. The Examining Attorney did not specifically find that it was unnecessary to consider a specimen in this case, and he did not determine – nor could he determine – that the Mark constitutes one of the types of marks that typically cannot function as a trademark, such as marks used solely as a trade name, functional trade dress, ornamentation and/or informational matter. Indeed, the Examining Attorney did not give any reason whatsoever, in either office action, based on any sound principles defined by either case law or the TMEP that could justify his functionality refusal in the instant case. For this reason alone, the Examining Attorney’s decision should be reversed.

Instead of relying upon sound, applicable principles of trademark law, the Examining Attorney’s determination herein relied, in part, upon irrelevant case law, namely In re Remington Products, 3 U.S.P.Q. 2d 1714, 1715 (T.T.A.B. 1987) (finding PROUDLY MADE IN USA was a slogan rather than a source indicator); In re Volvo Cars of N. Am., Inc., 46 U.S.P.Q. 2d 1455 (T.T.A.B. 1998) (holding DRIVE SAFELY phrase would be perceived as an informational phrase or slogan rather than a trademark); and In re Manco, Inc., 24 U.S.P.Q. 2d 1938 (T.T.A.B. 1992) (determining that consumers would perceive THINK GREEN as an informational slogan rather than a trademark). These cases are inapt for two reasons as explained in the paragraphs below.

First, in each of the above cases, the applicants submitted specimens of use demonstrating how the mark actually was being used in commerce, and the examining Attorney and the T.T.A.B. were able to, and did, review and evaluate the specimens of use in making a final determination that the marks in question did not function as trademarks. In the instant case, by stark contrast, there are no specimens of record to review. Therefore, the Examining Attorney did not make, and could not have made, his determination that the Mark fails to function as a trademark because of the way it appears on any specimen of use.

Second, in each of the above cases, the marks at issue were denied registration on the basis that they were of an informational nature, as reflected on the relevant specimens of use. The Mark in the instant case clearly is not “of an informational nature,” and the Examining Attorney did not find that it was. As stated above, the Examining Attorney has not given any sound reason supporting the refusal in this case, and the record is devoid of any evidence indicating that the purchasing public does not perceive the Mark as a source indicator of Applicant’s goods. Because the Examining Attorney’s refusal improperly ignores TMEP instructions and relies upon case law that is not relevant to the instant case, the refusal to register should be reversed.

B. The Examining Attorney’s Functionality Determination Is Not Based Upon Concrete, Reliable Evidence Of Public Perception

The Examining Attorney’s refusal in this case is based on the premise that the Mark does not function as a trademark because it calls to mind only the terrorist events of September 11, 2001. As explained more fully below, the Examining Attorney’s reasoning is improper because it does not rely upon any concrete evidence establishing the public’s perception of the Mark.

In support of his conclusion that the Mark calls to mind only the terrorist events of September 11, 2001, the Examining Attorney relies upon various online dictionary definitions of “World Trade Center” and “WTC,” as well as screenshots from selected websites that use the term with reference to those events. The Examining Attorney’s reasoning and conclusion are problematic for two reasons: (1) the evidence upon which the Examining Attorney relies is of little probative value concerning the ultimate issue in this case – i.e., how the public actually perceives the Mark; and (2) notwithstanding its limited probative

value, many of the dictionary definitions upon which the Examining Attorney relies have been corrected to identify the Mark as a trademark.

1. Dictionary And Web References Are Of Limited Probative Value

In both office actions, the Examining Attorney's reliance on dictionary definitions to support his conclusion is problematic because dictionary entries are not definitive of the public's perception of a term. Indeed, dictionary definitions often are subjective and tend to reflect the editors' understanding of a term rather than that of the actual purchasers of the goods and services. See Berner Int'l Corp. v. Mars Sales Corp., 987 F.2d 975, 983 (3d Cir. 1993). As set forth in Berner:

dictionaries also may not reflect word meaning among those persons who purchase the particular products involved Dictionary entries also reflect lexicographical judgment and editing which may distort a word's meaning or importance. A Court accepting a dictionary entry at face value is in effect adopting the lexicographical judgment as its own, even though such a judgment might be based on printed matter which, if offered in evidence, would not be controlling.

See id. (internal citations and punctuation omitted).

In the second office action, the Examining Attorney's reliance on other scattered web references is similarly misguided and inconclusive of consumer perception. As the court in In re Merrill Lynch, Pierce, Fenner, and Smith, 828 F.2d 1567, 1571 (Fed. Cir. 1987) stated in overturning the refusal to register CASH MANAGEMENT ACCOUNT, "[t]he mixture of usages unearthed by the NEXIS computerized retrieval service does not show, by clear evidence, that the financial community views and uses the term CASH MANAGEMENT ACCOUNT as a generic, common descriptive term for the brokerage services to which Merrill Lynch first applied the term." Similarly, in In re American Fertility Society, 188 F.3d 1341, 51 U.S.P.Q. 2d 1832 (Fed. Cir. 1999), the Federal Circuit reversed the Board's refusal because the PTO failed to provide any evidence of the public's understanding of the phrase SOCIETY FOR REPRODUCTIVE MEDICINE. In that case, the Federal Circuit stated that "the board cannot simply cite definitions and generic uses of the constituent terms of a mark . . . in lieu of conducting an inquiry into the meaning of the disputed phrase as a whole to hold a mark . . . generic." Id. at 1836. In the instant case, the Examining Attorney relies heavily upon a few screenshots from some websites he has selected to support his assertion that the public perceives the Mark as referring only to the events of September 11, 2001. However, such a mere smattering of evidence is not enough to establish how the public actually perceives the Mark. In re Merrill Lynch and In re American Fertility Society both make clear that more is necessary to determine whether a mark can function as a trademark when consumer perception is part of the determination. Significantly, the Examining Attorney has made no direct inquiry regarding, and he has failed to provide any concrete evidence of, consumer perception regarding the Mark's ability to function as a trademark for Applicant's goods. Thus, his decision should be reversed.

2. Many Of The Online Dictionary References Have Changed To Reflect The Mark's Trademark Status

Moreover, beyond its limited probative value, much of the evidence upon which the Examining Attorney relies to support his refusal to register, including the dictionary definitions relied upon in both office actions, no longer exists. Applicant has contacted the editors of the various online dictionaries, and in each case, the editor of the publication containing the relevant dictionary definition has been extremely cooperative and responsive in connection with Applicant's notification that the term at issue is a

trademark. Specifically, in each case, the editors have recognized that their subjective determination did not amount to an accurate reflection of the purchasing public's understanding of WORLD TRADE CENTER or WTC, and in light of that recognition, they have corrected the definitions to accurately define WORLD TRADE CENTER and WTC. See Exhibit 1 containing corrected dictionary definitions published by HarperCollins Publishers in Collins English Dictionary-Complete & Unabridged 10th Edition 2009 and by Houghton Mifflin Company in The American Heritage New Dictionary of Cultural Literacy, Third Edition.^[1] These corrected definitions indicate that the Mark is a trademark used to identify Applicant, its services, and any number of iconic buildings worldwide that house organizations and businesses dedicated to promoting and supporting world trade and international commerce, rather than merely the complex of buildings destroyed in the September 11, 2001 attacks.

Like HarperCollins Publishers and Houghton Mifflin Company, other editors have also acknowledged the inaccuracies of their definitions of WORLD TRADE CENTER and WTC and have agreed to remove their inaccurate definitions. See Exhibit 2 attaching emails from the editors of Oxford University Press, Princeton University's WordNet Project and The Gale Group of Cengage Learning agreeing to take appropriate steps to remove their inaccurate definitions.^[2]

Applicant's actions in this case – and the editors' responses thereto – are strong indicators that the Mark functions as a trademark. See Plyboo America Inc. v. Smith & Fong Co., 51 U.S.P.Q. 2d 1633, 1642, 1999 WL 667420 (T.T.A.B. 1999) (finding that a trademark owner's letter to the editor of a newspaper that used its mark in a generic sense – and the newspaper's subsequent printing of a correction notice acknowledging the mark's trademark status – was relevant evidence of functionality). In Plyboo America the issue was the trademark status of the term PLYBOO for plywood made of bamboo. The San Francisco Examiner used the term as a generic name for that kind of plywood. Applicant sent a letter to the editor and the San Francisco Examiner printed a correction stating that PLYBOO is a trademark of applicant. Applicant's activities, and the editors' positive reaction to and accommodation of Applicant's requests, mirror the scenario in Plyboo America and support Applicant's position that the Mark functions as a trademark.

C. The Final Refusal Should Be Reversed Based On Applicant's Evidence That The Mark Functions As A Trademark

Applicant has presented solid evidence to rebut the Examining Attorney's position that the Mark does not function as a trademark. Applicant addresses this evidence more fully below.

1. Third Party Declarations Establish That Consumers Perceive The Mark To Function As A Trademark

First, Applicant has submitted evidence in the form of numerous declarations executed by third parties attesting to the fact that the Mark is a source identifier of Applicant and its services and that they recognize the Mark to function as a trademark. See Richie Decl., Exh. 10 (attached to first office action response dated August 9, 2012). The Examining Attorney takes the position that these declarations are self-serving in nature and thus their evidentiary value is diminished. However, his position is without merit. See, e.g., Application of Schenectady Varnish Co., 280 F.2d 169, 171 (C.C.P.A. 1960) (determining, with respect to form letters from companies with business relationships with appellant, "there is no reason for us to believe that the officers of those companies failed to tell the truth in order to help appellant prove its case."); McCabe-Powers Auto Body Co. v. American Truck Equipment Co., 150 F.Supp. 194, 198 (D. Or. 1957) (noting testimony of independent dealers could not be treated lightly in determination of secondary meaning).

Attached at Exhibit 3 are additional declarations of third parties attesting to the fact that they perceive the Mark to function as a source identifier.

Indeed, these declarations are very telling of consumer perception of the Mark. The third parties providing these declarations, including executives from Applicant's members as well as non-members, are not one and the same with Applicant. Rather, these individuals are among the relevant public whose perception regarding the Mark is critical to the instant case. In the face of this direct evidence of consumer perception, it is not possible to make the blanket statement that the Mark does not function as a trademark since it calls to mind only the terrorist events of September 11, 2001. Thus, the final refusal to register cannot stand.

2. Unauthorized Third Parties Cease Use Of The Mark Upon Applicant's Request, Establishing That The Mark Functions As A Trademark

Second, Applicant has submitted evidence showing that unauthorized third parties have ceased use of the Mark upon Applicant's request, thereby demonstrating the third parties' recognition of the Mark as a trademark of Applicant. See Opposition Proceeding Nos. 91201403 and 91205109; Extension of Time filed against Appl. No. 78/125,583 and Judgment and Permanent Injunction on Consent, at Richie Decl., Exhs. 11 and 12 (attached to first office action response dated August 9, 2012). Three of the four proceedings were commenced after September 11, 2001. The fact that unauthorized third parties have ceased use and registration of their infringing marks upon notification of their infringing activities by Applicant is direct evidence of consumer perception that the Mark functions as a trademark.

3. Applicant's Longstanding Registrations For WORLD TRADE CENTER And WTC And The Renewals Thereof Establish That The Mark Functions As A Trademark

Third, Applicant's registrations for WORLD TRADE CENTER and WTC in connection with services repeatedly have been renewed.[3] The fact that these registrations have been renewed on more than one occasion since September 11, 2001 without any question from the Trademark Office as to consumer perception is evidence that the Mark functions as a strong trademark in the minds of consumers, not just in connection with the services covered by Applicant's registrations, but generally and in connection with the goods covered by the subject application. If the Mark continues to be renewed for "association services, namely fostering and promoting world trade and international business relationships", the only logical conclusions are that the Trademark Office acknowledges that the Mark is a source identifier and that consumers necessarily perceive the Mark to be a source identifier. There is nothing in the record to establish that consumers distinguish between goods and services, or that they would make such distinctions between Applicant's services and the goods at issue here.

The Examining Attorney acknowledges that the Mark is registered for services but inexplicably concludes that consumers could not possibly perceive the Mark to function as a trademark for goods. The Examining Attorney's comment that the Mark is registered for association services "which are not related to the goods at issue here" is a red herring and simply makes no sense in the realities of the marketplace. If the Mark cannot function as a trademark for goods for the reasons set forth by the Examining Attorney in his final office action, then it should not be capable of functioning as a trademark for the registered services, whether the goods and services are related or not. Furthermore, and as noted above, there is nothing in the record to demonstrate that consumers have made or would make such distinctions here.

However, to the extent the relatedness of the relevant goods and services is a critical factor in determining whether the Mark can function as a trademark for goods, Applicant submits that the goods listed in the

subject application are in fact related to its services. It is very common for service associations such as Applicant to adopt a single mark for both goods and services. In turn, the service associations' provision of both goods and services under a single mark causes consumers quite naturally to associate both the goods and services as emanating from a single source. To illustrate this point, Applicant attaches at Exhibit 4 a list of trademark registrations and accepted applications owned by seven different service associations, namely Girl Scouts of the United States of America (the "Girl Scouts"), United States Tennis Association Incorporated (the "USTA"), Boy Scouts of America, National Council of Young Men's Christian Associations of the United States (the "YMCA"), United Way Worldwide (the "United Way"), Rotary International, and Toastmasters International ("Toastmasters"). As set forth on this list, these service associations own applications and registrations for a broad range of both goods and services. For example, Toastmasters simultaneously owns a service mark registration for the TOASTMASTERS INTERNATIONAL and Design mark in Class 41 for "training in leadership, public speaking, communication, and critiquing thereof," and trademark registrations for the same mark in Classes 14 and 16 for, inter alia, jewelry and books, respectively. Similarly, the YMCA simultaneously owns a service mark registration for the YMCA and Design mark in Class 43 for day care and temporary lodging services, and trademark registrations for the same mark in Classes 25 and 6 for, inter alia, bathing suits and trophies, respectively. Copies of registration certificates for a representative sample of these marks for different types of goods are attached at Exhibit 5.

Websites maintained by these service associations also demonstrate simultaneous use of the same mark on both goods and services. For example, the Girl Scouts' website and online shop show that the Girl Scouts service association uses the GIRL SCOUTS and Design mark both in connection with goods, such as tote bags, jackets, and t-shirts, and in connection with services, such as professional development services and public policy and advocacy services. Similarly, the United Way's website and online store show that the United Way uses the UNITED WAY and Design mark both in connection with goods, such as t-shirts and tote bags, and in connection with services, such as eleemosynary services. USTA's website shows that USTA uses the USTA and Design mark in connection both with goods, such as t-shirts and hats, and with services, such as "promoting and developing [tennis]'s growth on all levels in the United States, from local communities to the crown jewel of the professional game, the US Open." Copies of the relevant web pages from the USTA, Girl Scouts, and United Way websites are attached hereto at Exhibit 6.

The fact that these service associations own multiple trademark registrations and applications for the same mark for both goods and services – and that they use the same mark in commerce in connection with both goods and services – demonstrates that associations like Applicant commonly provide both goods and services under the same mark, and that consumers expect that goods and services such as Applicant's services and proposed goods emanate from a single source. "Third-party registrations which cover a number of differing goods and/or services, and which are based on use in commerce . . . have some probative value to the extent that they may serve to suggest that such goods or services are of a type which may emanate from a single source." In re Jack B. Binion, 93 U.S.P.Q. 2d 1531 (T.T.A.B. 2009) (quoting In re Mucky Duck Mustard Co., 6 U.S.P.Q. 2d 1467, 1470 n.6 (T.T.A.B. 1988), *aff'd*, 864 F.2d 149 (Fed. Cir. 1988) and citing In re Albert Trostel & Sons Co., 29 U.S.P.Q. 2d 1783, 1785-86 (T.T.A.B. 1993)).

Additionally, Applicant notes that it is quite common for entities that own iconic buildings to use and register trademarks in connection with both goods and services related to their buildings, and for consumers, in turn, to expect and perceive that both the goods and the services come from the same source. Attached at Exhibit 7 is a list of registrations for marks used in connection with three iconic buildings. These include trademarks owned or filed by the Rockefeller Group, Inc. (for Rockefeller Center), TS 405 Lexington Owner, L.L.C. (for Chrysler Building), and Radio City Trademarks, LLC (for Radio City Hall). Copies of registration certificates for a representative sample of these marks are

attached at Exhibit 8.

In sum, the above examples from the Federal Register of the USPTO clearly show that the Trademark Office – and, by extension, consumers – routinely recognize that organizations that render services also sell goods, and that goods and services bearing the same mark come from the same source. Accordingly, this representative sampling demonstrates that, in the view of the public, such goods and services are inherently interconnected and related to each other. There is no evidence whatsoever in the record to indicate that the instant case is any different.

D. The Examining Attorney's Remaining Arguments Regarding Functionality Are Meritless

1. The Examining Attorney Cannot Successfully Distinguish LucasFilm

In the first office action, the Examining Attorney attempts to distinguish LucasFilm Ltd. v. High Frontier, 622 F.Supp. 931, 227 U.S.P.Q. 967 (D.D.C. 1985); however, for the reasons explained more thoroughly below, his arguments miss the mark.

First, the Examining Attorney attempts to distinguish the LucasFilm case on the basis that the proposed goods are unrelated to the association services in connection with which Applicant holds longstanding registrations for the Mark. As set forth above, this explanation is a red herring and without merit.

Second, the Examining Attorney attempts to distinguish LucasFilm on the basis that the case purportedly does not stand for the proposition that noncommercial use of a mark has no effect on the mark's ability to function as a trademark. The Examining Attorney then notes several instances in which trademarks were lost to the public domain due to widespread generic use. However, the instant case is not similar to the DRY ICE or ESCALATOR examples the Examining Attorney provides because it is not about a mark that has become generic. Rather, the instant case is about consumer perception concerning the ability of Applicant's Mark to function as a trademark for the goods covered by its application. Therefore, LucasFilm is relevant because the Court therein made it clear that third party news and commentary or noncommercial, non-trade references will not undermine a trademark owner's ability to use its mark as a source identifier for its goods and services. Indeed, the language of LucasFilm is in direct opposition to the erroneous interpretation given by the Examining Attorney for why the Mark cannot function as a trademark.

As the LucasFilm court states:

But the use of star wars in political propaganda, newspapers or noncommercial, non-trade references will not undermine plaintiff's exclusive property right to use it in connection with goods and services. The words "star" and "wars" were in the common domain before plaintiff established its service mark and plaintiff's efforts gave STAR WARS a special, secondary meaning. Now the phrase star wars has acquired a double meaning, but it has not become a generic term that is a term associated with an entire class of goods or services. *Continued non-trade, noncommercial use cannot take the mark away from plaintiff Lucasfilms.* [Emphasis added.] Whether this use makes the trademark become ultimately more or less valuable is a matter of conjecture, but the trademark is still plaintiff's. The new meaning of the phrase in the political or scientific context does not affect the distinct, and still strong secondary meaning of STAR WARS in trade and entertainment.

Id. at 935. This passage makes crystal clear that LucasFilm does in fact support the proposition that certain types of non-commercial uses of a mark – including the very types of uses of the Mark the Examining Attorney identifies in his final office action – do not affect the ability of Applicant's Mark to function as a trademark to identify its goods and services. Again, the instant case is not about generic use, and the Examining Attorney's attempts to analogize the instant case in that manner are off-point and should be ignored.

Finally, the Examining Attorney argues that LucasFilm is significantly different from the instant case because the Mark was "not adopted by anyone in particular to refer to a particular idea . . . as was the case with the SDI initiative." Applicant fails to see the significance of this point for two reasons: First, although the Examining Attorney suggests otherwise, the term STAR WARS was not adopted by anyone in particular, but was used by "newspapers, politicians, scientists and spokesmen of allied and enemy nations . . . [and] [t]hrough persistent and prolific use in newspapers and magazines and over television and radio the phrase star wars has become a popular synonym for the SDI proposal." LucasFilm, 622 F.Supp. at 932-33. Second, the Mark in the instant case was not "preemptively taken over by a terrorist attack." The Mark has been, is, and continues to be, both before and after the events of September 11, 2001, a registered trademark with a clear source identifying function for Applicant's services. As set forth in LucasFilm, the fact that the term also has been used in certain non-trade, non-commercial ways in connection with the terrorist events of September 11, 2001 cannot and does not dissolve the longstanding source identifying function of Applicant's Mark.

In relation to this point, it bears repeating that Applicant's Mark is not about a single building complex located in New York City – i.e., the buildings that were subject to the September 11, 2001 attack. As Applicant explained in its first office action response, the Mark is not used exclusively in connection with this building complex. Applicant represents approximately 330 members in 98 countries, including 53 members in the U.S. that are authorized to use the Mark as a trademark. See Richie Decl., ¶3, Exh. 2 (attached to the first office action response dated August 9, 2012). These members pay a substantial initial "membership" fee, as well as annual fees in the nature of dues, to join the WTCA organization and maintain their membership in order to enjoy the privileges and prestige of being a WTCA member, which includes a license to use the WORLD TRADE CENTER and WTC trademarks. See Richie Decl., ¶11. Member-licensees using the Mark in connection with offering goods, activities, and services devoted to the promotion and expansion of world trade and in connection with their respective buildings are located in numerous cities nationwide, including without limitation, Albany, Anchorage, Atlanta, Baltimore, Boston, Buffalo, Charleston, Cleveland, Dallas, Denver, Detroit, Fort Lauderdale, Honolulu, Houston, Jackson, Kansas City, Las Vegas, Los Angeles, Memphis, Miami, Milwaukee, New Orleans, New York, Orlando, Palm Beach, Philadelphia, Pittsburgh, Portland, Providence, Sacramento, St. Louis, San Antonio, San Diego, Savannah, Seattle, Tampa, and Washington, DC. See full listing of locations at Richie Decl., Exh. 3. A number of these members joined WTCA after September 11, 2001, and all of these members have paid and continue to pay membership fees and annual dues since that time, thereby demonstrating that the members understand the Mark to have great value and to function as an identifier of source after September 11, 2001. Moreover, the Mark is still being licensed for use in New York and a new building complex currently under construction will once again bear the Mark.

2. The Examining Attorney's Analogy To Pearl Harbor Undermines His Conclusion

The Examining Attorney's attempted comparison in the instant case to the attack on Pearl Harbor is another red herring and ultimately undermines his conclusion that Applicant's Mark is not capable of functioning as a trademark. The Examining Attorney is correct that Pearl Harbor, a single location in Hawaii, was subject to an enemy attack on December 7, 1941 that resulted in an unfortunate loss of life,

much like the terrorist attacks of September 11, 2001. However, unlike this case and the Mark at issue herein, “Pearl Harbor” did not function as a trademark prior to the attack and was not used in connection with any particular goods or services. Furthermore, and also unlike the instant case, there were not hundreds of Pearl Harbor locations throughout the world offering services and goods under the Pearl Harbor brand. Perhaps most importantly, however, the Examining Attorney’s attempted comparison to Pearl Harbor overlooks the fact that, despite the apparent association of Pearl Harbor with the World War II attack, United States trademark registrations were subsequently issued for marks containing the term PEARL HARBOR. These registrations clearly demonstrate that Pearl Harbor can function as a trademark despite the tragic events that occurred at that location during World War II. See, e.g., PEARL HARBOR for cigarettes (Reg. No. 2,974,078, which expired on February 24, 2012), PEARL HARBOR for fireworks (Reg. No. 1,713,457), and PEARL HARBOR II for T-shirts (Reg. No. 1670332, which expired on October 5, 2001). Copies of these relevant registration certificates are attached hereto at Exhibit 9.

E. Applicant’s Mark Is Inherently Distinctive, Or In The Alternative, The Mark Has Become Distinctive Of The Goods In Applicant’s Intent-To-Use Application

In the second office action, the Examining Attorney raised the issue of acquired distinctiveness and determined that “Applicant’s claim [thereof] is insufficient because applicant has not shown sufficient relatedness of the registered services and the goods in the present application.” See second office action. However, as the Examining Attorney notes, “a claim of acquired distinctiveness cannot overcome a failure to function as a trademark refusal.” See second office action, citing TraFFix Devices, Inc. v. Mktg. Displays, Inc., 532 U.S. 23, 33, 58 U.S.P.Q. 2d 1001, 1007 (2001). Because acquired distinctiveness cannot overcome a failure to function refusal, the Examining Attorney’s discussion of acquired distinctiveness at the end of the second office action assumes that Applicant’s Mark is capable of functioning as a trademark – i.e., capable of having a source-identifying function beyond merely calling to mind the events of September 11, 2001. However, the Examining Attorney’s discussion also assumes that Applicant’s Mark is not distinctive of the goods identified in the application. Applicant respectfully submits that this assumption is unfounded because the Mark is very distinctive when used in connection with the subject goods. Therefore, proof of acquired distinctiveness is unnecessary. But, to the extent the Examining Attorney would maintain that proof of acquired distinctiveness is required, Applicant submits that the Mark has become distinctive of the goods identified in its intent-to-use application.

1. The Mark is Inherently Distinctive

Applicant need not show that its Mark has acquired distinctiveness because the Mark is already distinctive. The Mark at issue is WTC and the goods at issue are “Binoculars, cameras, blank USB flash drives, chains for eye glasses, electronic personal organizer, eyeglass cases, eyeglasses, hard hats, light pens, magnets, mouse pads, cell phone cases, sunglasses, viewing devices, namely, digital photograph viewers, 3D digital photograph viewers, LCD displays, enclosures for LCD displays and enclosures for video players” in Class 9. The Examining Attorney does not explain, and there is nothing in the record to substantiate, how the Mark is not distinctive of the goods at issue. Because Applicant’s Mark is inherently strong and distinctive in connection with the applied-for goods, Applicant need not prove acquired distinctiveness.

2. Applicant Has Established Acquired Distinctiveness, To The Extent Proof Thereof Is Required

Although Applicant believes, for the reasons set forth above, proof of acquired distinctiveness is unnecessary, Applicant submits in the alternative that it nevertheless has established acquired distinctiveness in this case. An applicant filing an intent-to-use application normally need not claim

distinctiveness in the initial stages of the application process; however, in some cases, an applicant may do so. As set forth in In re Jack B. Binion, 93 U.S.P.Q. 2d 1531 (T.T.A.B. 2009) (citing In re Dial-A-Mattress Operating Corp., 240 F.3d 1341, 57 U.S.P.Q. 2d 1807, 1812 (Fed. Cir. 2001)):

an intent-to-use applicant that has used the same mark on related goods or services may file a claim of acquired distinctiveness under Section 2(f) before filing an amendment to allege use or statement of use, if the applicant can establish that, as a result of the applicant's use of the mark on other goods or services, the mark has become distinctive of the goods or services in the intent-to-use application, and that this previously created distinctiveness will transfer to the goods and services in the intent-to-use application when use in commerce begins.

To establish that an intent-to-use application has acquired distinctiveness, an applicant must prove two elements. First, the applicant must show that the same mark has acquired distinctiveness in connection with specified other goods and/or services. In re Jack B. Binion, 93 U.S.P.Q. 2d 1531. Proof of this element may be established, inter alia, through ownership of a prior registration for the same mark for related goods and/or services. See id. Second, the applicant must show there exists a “sufficient relationship between the goods and/or services in connection with which the mark has acquired distinctiveness and the goods and/or services recited in the intent-to-use application to warrant the conclusion that the previously created distinctiveness will transfer to the goods and/or services in the application upon use.” See id. To prove the second element, the applicant must establish the relatedness of the goods and/or services in the intent-to-use application with the goods and/or services covered by the distinctive mark, “and that there is a strong likelihood that the mark’s established trademark function will transfer to the related goods and/or services when use in commerce occurs.” See id. (citing In re Rogers, 53 U.S.P.Q. 2d 1741, 1744 (T.T.A.B. 1999) and TMEP §1212.09(a) (6th ed. rev. October 2009)).

Here, there can be no dispute that Applicant has established the first element. Applicant owns a longstanding registration (Reg. No. 1,749,086) for WTC – the identical mark at issue in this case. Applicant’s Mark has been in use since 1968 in connection with “association services, namely, fostering and promoting world trade and international business relationships”, and its registration therefor has been renewed on more than one occasion. See 37 C.F.R. § 2.41 (providing that ownership of a registration of the same mark on the Principal Register may be accepted as prima facie evidence of acquired distinctiveness); In re Nielsen Business Media, Inc., 93 U.S.P.Q. 2d 1545 (T.T.A.B. 2010) (noting same). Applicant also has established the second element necessary to prove acquired distinctiveness because the services for which Applicant holds the aforementioned longstanding registration are so closely related to the goods covered by the subject application “that the Mark’s established trademark function will transfer” to the related goods in the intent-to-use application when use of the Mark in commerce in connection with the goods occurs. See In re Jack B. Binion, 93 U.S.P.Q. 2d 1531. The relatedness of the goods cited in the subject application and the services covered by Applicant’s longstanding registration for the Mark is discussed in detail at Section II.C.3., supra. For these reasons and those explained above, Applicant has established acquired distinctiveness in this case.

III. CONCLUSION

Based on the foregoing facts, evidence, case law and the TMEP, it is clear that the Examining Attorney has not submitted any direct evidence whatsoever to establish that consumers do not perceive the Mark as an identifier of source such that the Mark cannot function as a trademark. Accordingly, the refusal to register must be withdrawn so that Applicant’s Mark can pass to publication.

[1] In addition, the vendors who incorporated the incorrect definitions on their websites were instructed to replace the incorrect definitions with the corrected definitions. For example, the dictionary definition for “World Trade Center” on the website at “thefreedictionary.com” now displays the corrected definition authored by Harper Collins Publishers.

[2] Additionally, the editor of the website “internetslang.com” removed the inaccurate definition of “WTC” from the website.

[3] Reg. No. 1,749,086 for the mark WTC has been renewed twice – on March 25, 2003 and again on February 1, 2013. Reg. No. 1,469,489 for the mark WORLD TRADE CENTER was renewed on February 19, 2008.

EVIDENCE

Evidence in the nature of Exhibits 1-9 to Request for Reconsideration has been attached.

Original PDF file:

[evi_168986710-133414936_. Exhibit 1.PDF](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

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[Evidence-4](#)

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Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

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Original PDF file:

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[Evidence-1](#)

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[Evidence-1](#)

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SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Ilene B. Tannen/ Date: 03/04/2013

Signatory's Name: Ilene B. Tannen

Signatory's Position: Attorney of Record, NY Bar Member

Signatory's Phone Number: 212-326-3411

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85527029

Internet Transmission Date: Mon Mar 04 14:19:43 EST 2013

TEAS Stamp: USPTO/RFR-168.98.67.10-20130304141943427

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EXHIBIT 1



Dictionary Thesaurus

Word Dynamo

Quotes

Reference

Translator

Spanish

world trade center



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World English Dictionary

World Trade Center

trademark a name licensed by World Trade Centers Association to its members to identify any of a number of iconic buildings worldwide to promote world trade and international business relationships; one such former building complex, at 417m (1368 ft), the tallest in the US, stood in Manhattan, New York, from 1974 until its destruction on September 11, 2001, in which 2,750 people died; reconstruction of the complex began in 2002. Abbreviation: (Trademark) WTC.

Collins English Dictionary - Complete & Unabridged 10th Edition
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Publishers 1998, 2003, 2005, 2006, 2007, 2009
Cite This Source

Cultural Dictionary

World Trade Center definition

World Trade Center (WTC) A trademark for various building complexes around the world that house organizations and businesses supporting international commerce. The World Trade Center in lower Manhattan included two tall skyscrapers, the Twin Towers, that were destroyed when terrorist-hijacked planes were crashed into them as part of the September 11 attacks (2001). Reconstruction of new buildings began in 2002.

The American Heritage® New Dictionary of Cultural Literacy, Third Edition
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Relevant Questions

The 1993 World Trade Cen...

What Is The World Trade ...

Matching Quote

"The one thing that enslaves people more than any other to the servitude of war is nationalism—the patriotic cant—Religious cant is feeble; its on a down slope, fighting to hold territory—but the patriotism—all the noxious influences of the world seem to have thrown their tentacles about it—its the mask of all the trade-greed & the glory-breed—and the usininity that makes people insist on sacrificing themselves on the nearest altar—no matter how bruzen the God above it."

John Dos Passos
MORE



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Wmc body parts

Wtc jumpers

Wic mpeg pe

People jumping off w...

Devils face in wtc s...

Gruesome etc

World trade center

Nearby Words

wt watts-dunton

w1 wattsdunton

wt.

wtc

wd

wte of r parson...
wte of rosse pa...

Abbreviations & Acronyms

WTC
World Trade Center

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Cite This Source

Questions

What is WIC?

How To Donate To The Wtc...

What Is The File Extensi...

NYC Remembers 93 WTC Att...

Wtc is always a great word to know.
So is **gobo**. Does it mean:

00:02

● a screen or mat covered with a dark material for shielding a camera lens from excess light or glare.

O a scrap or morsel of food left at a meal.

Quote Of The Day

*"Those who wander in the world
aimlessly and purposely in pursuit of
happiness, who view eve..."*

~Frances Blumenthal~

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X

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<http://dictionary.reference.com/browse/wtc?s=12/28/2013 5:29:04 PM>

http://www.collinsdictionary.com/dictionary/english/world-trade-center

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English > French > German > Spanish > Italian >

English Dictionary

Definition of "World Trade Center"

Your search found: [World Trade Center](#) / [Usage examples](#) / [Translations](#)

World Trade Center

Definitions

noun

a name licensed by World Trade Centers Association to its members to identify any of a number of iconic buildings worldwide to promote world trade and international business relationships; one such former building complex, at 117m (1388 ft), the tallest in the US, stood in Manhattan, New York, from 1974 until its destruction on September 11, 2001, in which 2,750 people died; reconstruction of the complex began in 2002 (*trademark*) WTC

English Worldwide American English

Browse the English Dictionary (A-Z)

Search >

Word Frequency No usage level data available

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USER'S CHOICE

Built for smarter

EXHIBIT 2



Subject:
RE: Oxford Advanced Learner's Dictionary

From:
DEUTER, Margaret
02/07/2013 09:26 AM

To:
Ilene B Tannen

Cc:
"WHITE, Patrick", "Karras, Stephanie", "WATERS, ALISON"
[Show Details](#)

History: This message has been replied to and forwarded.

2 Attachments



image001.gif image002.gif

Dear Ms Tannen

Thank you for your reply. I am trying your email address again directly now.
In response to your comments, we propose the following:

Delete entry **World Trade Center**.

At entry **the Twin Towers**, the following definition:

two very tall office buildings in Manhattan, New York City, built by the Port Authority of New York and New Jersey in 1972-3 and housing offices of the World Trade Centers Association. For a short time they were the tallest buildings in the world. Each was 1350 feet/412 metres high and had 110 floors. A terrorist bomb exploded in the Center in 1993 killing six people and injuring more than a thousand. On September 11th 2001 the Twin Towers were both destroyed in another terrorist attack. Two planes crashed into the towers, and a short time later both towers collapsed.

At entry **September 11**:

September 11, 2001, the day on which a series of major terrorist attacks took place in New York and other places in the US. The terrorists carried out the attacks using four passenger planes that they hijacked on flights

file://C:\Documents and Settings\JP006553\Local Settings\Temp\... 2/28/2013

from the east coast of the US. At 8.46 a.m. the first plane crashed into the north tower of World Trade Centertm buildings in New York. At 9.03 a.m. the second plane crashed into the south tower. Less than 90 minutes later both towers fell down. The third plane crashed into the Pentagon and the fourth into a field in Pennsylvania. Nearly 3000 people died in the attacks, a greater number than were killed in the attack on Pearl Harbor in the Second World War. The attacks were seen as the work of Al Qaeda, a terrorist organization led by Osama Bin Laden. They resulted in strong anti-terrorist laws being passed in many countries and a US-led war in Afghanistan, where Osama Bin Laden was thought to be hiding.

We believe these entries to be factually correct and in keeping with the type of cultural information given in our dictionary.

Yours sincerely

Margaret Deuter
Managing Editor
ELT Dictionaries
Oxford University Press



Subject WTC

:

From: Christiane D. Fellbaum
To: IBTannen@jonesday.com

02/14/2013 05:24 PM

History: This message has been forwarded.

Dear Ms. Tannen,

Thanks for your e-mail that follows up on the recent phone conversation.
We are taking the following steps in response:

We have removed "World Trade Center" and "WTC" from the WordNet lexical database. Users who download the database from our website will receive this WTC-less version. The change will be reflected in the publicly accessible web interface upon our next release (we have no specific data yet but aim for the summer of 2013).

Please be advised that we have no control over products that were developed by WordNet users outside of Princeton and that incorporate the old database, as noted in the license on the WordNet website.

We sincerely hope that you will find this satisfactory.

With best regards

Christiane Fellbaum (for the WordNet project)



Subject:
RE: Removal of Erroneous Content in Connection with WORLD
TRADE CENTER and WTC Definitions

From:
Gale Licensing
02/21/2013 03:12 PM

To:
IBTannen@JonesDay.com
Show Details

History: This message has been replied to and forwarded.

2 Attachments



image001.gif image002.gif

Dear Ms. Tannen,

My colleague, Jodi Henry-Rogers, has asked me to follow-up on your inquiry regarding the World Trade Center definition found on Farlex's *The Free Dictionary* website, and attributed to the Gale Group of Cengage Learning.

This definition is taken from 'Allusions—Cultural, Literary, Biblical, and Historical: A Thematic Dictionary', the contents of which has been licensed by Gale to Farlex for use on its websites. We have directed Farlex to remove the content from *The Free Dictionary* website, as well as the associated link to 'Tallness'. The response I received from Farlex assured me that steps were underway to remove the listing as requested. I was also told that this process is reliant on *The Free Dictionary*'s updating cycle, so that it may take 2-3 weeks for this action to take effect. I will be monitoring the webpage to ensure that this content is removed in a timely manner.

Please also know that even then, there may still be a citation present when conducting a search such as Google, and that too is dependent upon the search engine's updating cycle. In the past, those citations usually disappear after a month or so.

Gale prides itself in offering current reliable information in all its products and databases. We appreciate you taking the time to bring this to our attention and thus eliminating any confusion or misunderstandings that may ensue.

Sincerely,

file://C:\Documents and Settings\JP006553\Local Settings\Temp\... 2/28/2013

Pam

Pam Johnson

Team Assistant, Licensing and Contracts Administration

Gale | Cengage Learning

27500 Drake Road | Farmington Hills, MI 48331

(o) 248.699.8925 | (f) 248.699.8024 | (e) pamela.johnson@cengage.com | www.gale.cengage.com

EXHIBIT 3

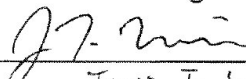
DECLARATION

I, the undersigned, do hereby declare:

1. I am James Wilkinson, the Executive Director of the Washington International Trade Association (WITA).
2. In my capacity as Executive Director of WITA, I am familiar with the services, benefits, and resources offered by the World Trade Center Washington DC.
3. WITA has partnered with World Trade Center DC on occasion in connection with events that WITA has sponsored with World Trade Center DC. Furthermore, we have promoted World Trade Center DC in connection with its activities, goods and services within our region because the visions of our two organizations are similar in that we both focus on international trade.
4. My company's activities with World Trade Center DC have made me aware of the World Trade Centers Association, Inc. ("WTCA") of which WTC DC is a licensed member. I am familiar with the purpose of the WTCA and its members, which is to promote international trade through the goods and services they provide under the WORLD TRADE CENTER and WTC marks.
5. Therefore, when I see the marks WORLD TRADE CENTER and WTC in and around Washington DC or in other cities around the country, or even in third party literature and articles, I associate these marks with WTCA and its licensed members, such as the World Trade Center DC. In my mind, these marks stand for WTCA's and its members' commitment to building a global marketplace for international trade.

I declare that all statements made herein of my own knowledge are true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the WTCA's trademark applications and any registrations resulting therefrom.

Dated: February 28, 2013

By: 
Name: James T. Wilkinson
Title: Executive Director
Company: Washington International Trade Association

ZIONS BANK®

Office of the President

A. Scott Anderson
President and CEO

DECLARATION

I, the undersigned, do hereby declare:

1. I am A. Scott Anderson, the President and CEO of Zions First National Bank ("Zions Bank"). Zions Bank is the oldest locally headquartered financial institution in Utah, and with its affiliated entities is one of the largest regional banks in the United States.

2. In my capacity as President and CEO of Zions Bank, as well as Chair of the World Trade Center Utah. I am familiar with the services, benefits, and resources offered by the World Trade Center Utah. In fact, the World Trade Center branded facility in Salt Lake City, Utah is the beautiful 28-story World Trade Center Utah building at the City Creek Center, which is one of the newest and finest downtown mixed used developments in the nation.

3. Zions Bank has participated with World Trade Center Utah on several occasions. Furthermore, we have promoted World Trade Center Utah in connection with its activities, goods and services within our region because the vision of our two organizations includes a similar focus on international trade.

4. Zions Bank's activities with World Trade Center Utah have made me aware of the World Trade Center's Association, Inc. ("WTCA") of which WTC Utah is a licensed member. I am familiar with the purpose of the WTCA and its members, which is to promote international trade through the goods and services they provide under the WORLD TRADE CENTER and WTC marks.

5. Therefore, when I see the marks WORLD TRADE CENTER and WTC in and around Salt Lake City or in other cities around the country, or even in third party literature and articles, I associate these marks with WTCA and its licensed members, such as the World Trade Center Utah. In my mind, these marks stand for WTCA's and its members' commitment to building a global marketplace for international trade.

I declare that all statements made herein of my own knowledge are true; that these statements are made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the WTCA's trademark applications and any registrations resulting there from.

Dated: February 28, 2013

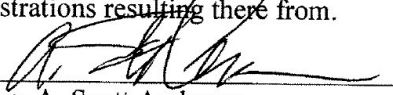











By: 
Name: A. Scott Anderson
Title: CEO and President
Company: Zions Bank

EXHIBIT 4



Exhibit 4

GIRL SCOUTS Trademark Registrations – United States

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
 GIRL SCOUTS and Design	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	85134214	9/21/2010	4276193	1/15/2013	29 – nut products, namely, candied nuts, flavored nuts and trail mixes consisting primarily of processed nuts; 30 – cookies, chocolate candies and chocolate covered nuts
 girl scouts	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	85976424	9/21/2010	4200117	8/28/2012	16 – stationery, namely, pens and pencils
 girl scouts	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	85975896	9/21/2010	4085279	1/10/2012	18 – tote bags; 25 – clothing, namely, shirts, tee-shirts, and sweatshirts; 41 – educational services, namely, conducting programs and activities for girls to promote social, physical and intellectual growth and development
 GIRL SCOUTS and Design	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	74380303	4/19/1993	1816847	1/18/1994	16 – stationery, note pads, address books, autograph books, book marks, stickers, pens, pencils and posters; 25 – sweaters, shirts, blouses, tee-shirts, ties, jumpers, shorts, slacks, nightshirts, tights, socks, sock tassels, sweatshirts, sweatpants, scarves, hats, headbands, sweatbands and visors
 Girl Scouts	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	73821902	8/28/1989	1595191	5/8/1990	11 – flashlights
 GIRL SCOUTS and Design	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	73459579	1/4/1984	1318643	2/5/1985	41 - educational Services-Namely, Conducting Programs and Activities for Girls and Young Women to Promote Social, Physical and Intellectual Growth and Development
 Girl Scouts	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered					

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
 GIRL.SCOUTS	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	73435080	7/18/1983	1293110	9/4/1984	30 – cookies
 GIRL.SCOUTS and Design	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	73198872	1/2/1979	1142655	12/9/1980	25 – t-shirts
 Girl Scouts GIRL.SCOUTS and Design	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	73198874	1/2/1979	1142666	12/9/1980	26 – embroidered patch
 Girl Scouts GIRL.SCOUTS and Design	Girl Scouts of the United States of America 420 Fifth Avenue New York, NY 10018	Registered	73198871	1/2/1979	1172203	10/6/1981	16 – printed posters and adhesive paper identification disks

USTA Trademark Registrations – United States








Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	United States Tennis Association Incorporated 70 West Red Oak Lane White Plains, NY 10604	Registered	77375744	1/18/2008	3511362	10/7/2008	18 – bags, namely, duffle bags, athletic bags, sport bags, cinch sacks, messenger bags, garment bags for travel; backpacks, tote bags, and women's hand bags; 25 – clothing, namely, dress shirts, tee shirts, pants, shorts, sweat shirts, sweat pants, vests, jackets, hats, caps, visors, tank tops and socks
	United States Tennis Association Incorporated 70 West Red Oak Lane White Plains, NY 10604	Registered	78664893	7/6/2005	3331216	11/6/2007	41 – organizing and conducting tennis tournaments, clinics and workshops; providing tennis instructions
USTA	United States Tennis Association Incorporated 70 West Red Oak Lane White Plains, NY 10604	Registered	78242259	4/25/2003	2820023	4/2/2004	25 – clothing, namely shirts and hats
USTA	United States Tennis Association Incorporated 70 West Red Oak Lane White Plains, NY 10604	Registered	78235242	4/8/2003	2817492	2/24/2004	9 – pre-recorded video cassettes in the field of tennis
USTA	United States Tennis Association Incorporated 70 West Red Oak Lane White Plains, NY 10604	Registered	78230432	3/26/2003	2819936	3/2/2004	35 – association services, namely, offering incentives to and promoting the interests of tennis enthusiasts; promoting the sport of tennis, namely by arranging for sponsors to affiliate their goods and services with tennis; 41 – organizing and conducting tennis tournaments; sponsoring tennis clinics and workshops
USTA	United States Tennis Association Incorporated 70 West Red Oak Lane White Plains, NY 10604	Registered	78230243	3/26/2003	2817418	2/24/2004	16 – books, periodicals, and magazines about tennis



BOY SCOUTS Trademark Applications and Registrations – United States


Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
BOY SCOUTS OF AMERICA	Boy Scouts of America P.O. Box 152079 1325 West Walnut Hill Lane Irving, Texas 75015	Registered	74224874	11/25/1991	1725084	10/20/1992	8 - pocket knives, utility knives and lock back knives; 11 (cancelled) - [flint and steel fire-making set consisting of tinder, flint, steel bar and instructions]; 14 - jewelry; namely, rings and pins; 16 - stationery, activity books and manuals, concerning outdoor activities, crafts, and requirement of applicant's organization, decals, desk sets with pen and pen holder, pen and pencil sets, printed certificates; 20 - [hand-held mirrors,] plaques; 21 - non-electric toothbrush, [soap holder caddy,] and mugs; 24 (cancelled) - [pens, not of paper]; 28 (cancelled) - [balloons]
BOY SCOUTS OF AMERICA	Boy Scouts of America 1325 Walnut Hill Lane Irving, Texas 75015	Registered (Collective Membership Mark)	73510448	11/26/1984	1363872	10/01/1985	To indicate membership in an organization for young men
BOY SCOUTS OF AMERICA	Boy Scouts of America P.O. Box 152079 1325 Walnut Hill Lane Irving, Texas 75015	Registered	73297300	2/17/1981	1215939	11/9/1982	25 - items of clothing forming part of a uniform consisting of shirts, pants, shorts, skirts, dresses, belts, socks, hats, and neckerchiefs

YMCA Trademark Registrations – United States








Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781974	7/15/2009	3971173	5/31/2011	26 – embroidered patches for clothing; ribbons
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781953	7/15/2009	3958530	5/10/2011	43 – providing day care services and temporary lodging services
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered (Collective Membership Mark)	77781946	7/15/2009	3958529	5/10/2011	Indicating membership in a federated association organized to promote physical, mental, and spiritual health and wellness development
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781978	7/15/2009	3951522	4/26/2011	24 – bed blankets; shower curtains; table linen; towels
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781975	7/15/2009	3951521	4/26/2011	25 – bathing suits, caps, hats, neckties, pants, shirts, uniforms
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781971	7/15/2009	3951520	4/26/2011	28 – balls for games, flying discs, yo-yos
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781965	7/15/2009	3951519	4/26/2011	6 – plaques, trophies, key rings, all made of common metal









Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781997	7/15/2009	3948504	4/19/2011	14 - cufflinks; jewelry; medals; pins; tie pins; watches
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781996	7/15/2009	3948503	4/19/2011	18 - all-purpose carrying bags; backpacks; book bags; handbags; sport bags; tote bags; umbrellas
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781983	7/15/2009	3948502	4/19/2011	20 - non-metal key rings; plaques of plastic and wood; plastic name badges
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781979	7/15/2009	3948501	4/19/2011	21 - cups; drinking glasses; mugs; plaques of crystal, glass and porcelain; and plastic water bottles sold empty
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781969	7/15/2009	3874466	11/9/2010	38 - providing internet chatrooms
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781968	7/15/2009	3929392	3/8/2011	16 - publications and printed materials, namely, handouts, calendars, newsletters, books, manuals, pamphlets, magazines, posters, and postcards in the fields of promoting, developing, and sustaining the health and well-being of individuals, families and communities; volunteer services and community programs; desk sets; pencils; pens; drawing rulers
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781960	7/15/2009	3914925	2/1/2011	35 - charitable services, namely, organizing and conducting volunteer programs and community service projects; association services, namely, promoting the interests of organizations concerned with the promotion of health and well-being of individuals

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781959	7/15/2009	3917712	2/8/2011	41 - educational and entertainment services, namely, conducting classes, seminars, conferences and workshops in the fields of physical and mental health and fitness and spiritual development; organizing sporting and cultural events
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	77781950	7/15/2009	3887355	12/7/2010	44 - providing a web site featuring information in the field of health, nutrition and lifestyle wellness
YMCA SPLASH	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered	75205661	11/27/1996	2232703	3/16/1999	16 - publications and printed materials, namely, handouts, books, manuals, pamphlets, promotional materials, and marketing materials relating to swimming and water safety education classes; 25 - clothing, namely, T-shirts and sporting apparel, namely, caps, sweatshirts, and sweatpants; 41 - educational services, namely, group and individual swimming and water safety instruction.
YMCA OF THE USA	National Council of Young Men's Christian Associations of the United States of America AKA YMCA of the USA, and AKA The National Council of Young Men's Christian Associations of the United States of America	Registered (Collective Membership Mark)	73578016	1/16/1986	1449075	7/21/1987	Indicating membership in an organization designed to promote the physical, mental, and spiritual development of others
YMCA	National Council of Young Men's Christian Associations of the United States of America AKA YMCA of the USA, and AKA The National Council of Young Men's Christian Associations of the United States of America	Registered	73578007	1/16/1986	1549218	7/25/1989	25 - clothing, namely, shorts, t-shirts, sweatpants, sweatshirts, pants, shirts, socks and bathing suits
YMCA OF THE USA	National Council of Young Men's Christian Associations of the United States of America AKA YMCA of the USA, and AKA The National Council of Young Men's Christian Associations of the United States of America	Registered	7357892	1/16/1986	1448979	7/21/1987	42 - association services, namely, promoting the interests of organizations engages in the promotion of the physical, mental, and spiritual development of others

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered (Collective Membership Mark)	72010337	6/15/1956	659629	3/18/1958	Indicating membership in Applicant's association
YMCA	National Council of Young Men's Christian Associations of the United States of America 101 N. Wacker Drive Chicago, Illinois 60606	Registered (Collective Membership Mark)	72010336	6/15/1956	668795	10/21/1958	Indicating membership in Applicant's association

UNITED WAY Trademark Registrations – United States

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	UNITED WAY STORE United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78713107	9/14/2005	3132826	8/22/2006	35 – catalog and online retail store services featuring commemorative products for use in charitable fundraising campaigns
	UNITED WAY United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78416129	5/10/2004	3159962	10/17/2006	16 – paper goods, namely stationery, namely letter-head type paper and embossed or engraved envelopes, printed award certificates, posters, note cards, stickers, printed paper signs and advertising signs of paper or cardboard, business forms, pens and pen sets, comprising a pen and pencil, desk organizers comprising paper clip, pencil caddy and paper holder; letter openers
	UNITED WAY United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78416172	5/10/2004	3146376	9/19/2006	18 – tote bags, backpacks
	UNITED WAY United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78416169	5/10/2004	3130725	8/15/2006	21 – ceramic awards, mugs, cups, water bottles
	UNITED WAY United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78416140	5/10/2004	3088531	5/2/2006	25 – apparel, namely t-shirts, polo shirts, button down shirts, hats, caps, aprons
	UNITED WAY United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78341629	12/16/2003	3032926	12/20/2005	36 – eleemosynary services in the field of monetary donations for human services organizations
	UNITED WAY United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78346186	12/29/2003	2979703	7/26/2005	36 – eleemosynary services in the field of monetary donations for human services organizations

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
 UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78346179	12/29/2003	2979702	7/26/2005	35 - association services, namely promoting the interests of member organizations engaged in charitable fund raising for health and human services agencies
 UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78341624	12/16/2003	2968681	7/12/2005	35 - association services, namely promoting the interests of member organizations engaged in charitable fund raising for health and human services agencies
 UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78416183	5/10/2004	3199396	1/16/2007	20 - plaques and desk top awards in the nature of decorative plaques to signify achievement levels or recognition for volunteers, corporations, or any award ceremony
 UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	78416111	5/10/2004	3252249	6/12/2007	9 - pre-recorded videotapes featuring movies and film mount slides, thermometers, plastic graduated rulers, plastic clips with a magnetic back for holding papers and memos
 UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered (Collective Membership Mark)	78342331	12/17/2003	3163424	10/24/2006	indicating membership in an association of charitable fund raising and human care services organizations
 UNITED WAY DAY OF ACTION	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	77948257	3/2/2010	3885313	12/7/2010	25 - clothing, namely, hats, t-shirts, bandanas; 35 - charitable services, namely, organizing and conducting volunteer programs and community service projects aimed at increasing awareness and support for the building blocks of a good life, namely education, income and health issues
 UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	77759654	6/15/2009	3766540	3/30/2010	35 - association services, namely, promoting the economic interests of individuals and communities by organizing and conducting volunteer programs and community service projects
 UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	73688888	10/9/1987	1493849	6/28/1966	6 - metal goods-namely, signs, key chains and key holders; 8 - pocket knives [combination money clip and pocket knife, [pocket] tool for repairing golf greens and cleaning golf shoes, combination paper clip and ice scraper, lucite gravels]; 9 - rulers, thermometers, movies and slides; magnetic





Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
							<p>memo clips; 11 - flashlights; 14 (cancelled) - [bronze medallions,] [bronze statue awards]; 16 - [business forms,] prepared media announcements, photographs, notebooks, binders, books on fundraising, stationery cards, magazines, [clipboards,] folders, stamps, gummed stickers, [paper transfers,] decals, [billboard sheets,] posters, stationery, namely, letter-head-type paper and embossed or engraved envelopes, [paper banners, pennants and flags,] paper displays, [napkins,] paper [placemats,] pens, [pen sets composed of a pen and pencil,] [memo pads] and telephone address indexes, holders, [billboard sheets, desk organizer (paper clip, pencil caddy and paper in one),] printed award certificates, [folders and clipboards,] bookends, letter openers; 18 - plastic portfolios; 20 - desk-top awards in the nature of decorative plaques; 21 - [ceramic awards, tableware - namely, pitchers,] trays, [glasses and coffee service,] plastic coffee mugs, ceramic mugs, [pewter mugs]; 24 - banners, tablecloths; 25 - shirts, hats, ties and scarves; 26 - lapel pins, buttons and tabs; 28 - [aerodynamic flying discs, hand-operated string wound toys in the shape of a spool,] golf clubs, golf balls and [tees,] toy balloons</p>
UNITED WAY	United Way Worldwide 701 North Fairfax Street Alexandria, Virginia 22314	Registered	73001619	9/21/1973	1021242	9/23/1975	<p>42 - eleemosynary services performed by members of United Way of America-namely, planning, coordinating and providing funds for health, welfare, recreation and other social services</p>





ROTARY CLUB Trademark Registrations – United States

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
ROTARY CLUB	Rotary International 1560 Sherman Avenue Evanston, Illinois 60201	Registered (Collective Membership Mark)	77890318	12/10/2009	3824501	7/27/2010	Indicating membership in a(n) an international organization of business and professional leaders united worldwide in order to provide educational, cultural, philanthropic and humanitarian services, encourage high ethical standards and help build goodwill and peace throughout the world
ROTARY CLUB	Rotary International 1560 Sherman Avenue Evanston, Illinois 60201	Registered	77179226	5/11/2007	3368901	1/15/2008	6 - Metal key rings; metal key chains; metal key fobs; metal key holders; badges of metal for vehicles; metal identity and license plates; metal name badges; metal name plates; memorial plaques of metal; aluminum recognition plaques; bronze recognition plaques; metal plaques for buildings; non-luminous and non-mechanical metal outdoor signs; road signs and house and street signs of non-precious metals; road signs of metal; commemorative statutory cups made of non-precious metal; trophies of common metal; bronzes being works of art; works of art of common metal; sculptures made of non-precious metal; busts of non-precious metal; monuments of non-precious metal; statues of non-precious metal; statuettes of non-precious metal; desktop statuary made of non-precious metal; figures of common metal; figurines of common metal; pewter figurines; metal doorknockers; table bells of non-precious metals; metal bells; decorative boxes made of precious metal; non-precious metal boxes; metal decorative boxes; metal time capsules; castings of semi-finished articles of lead, aluminum, copper, nickel, tin or their alloys; metal castings
ROTARY CLUB	Rotary International 1560 Sherman Avenue Evanston, Illinois 60201	Registered	76079897	6/27/2000	2512140	11/27/2001	24 - textile wall hangings, namely, banners, pennants; cloth flags; blankets, namely, afghans, throws, lap blankets, bed blankets; fabric, namely, cotton and cotton-blend, wool and woolen blend, rayon, acrylic, linen, polyester, nylon, micro-fiber, upholstery fabric; pillow shams; cloth table cloths; handkerchiefs of textile; towels of textile
ROTARY CLUB	Rotary International 1560 Sherman Avenue Evanston, Illinois 60201	Registered	75933926	2/25/2000	2415983	12/26/2000	42 - licensing of intellectual property; promoting public awareness of the need for cultural, humanitarian and educational exchange programs; association services, namely, promoting the ideals of the Rotary clubs and promoting and coordinating the interests of Rotary clubs through service in the community, in the workplace, and throughout the world by building goodwill and peace; promoting international understanding; providing humanitarian service and encouraging high ethical standards in personal and professional life; vocational guidance
ROTARY CLUB	Rotary International 1560 Sherman Avenue Legal Services Division Evanston, Illinois 60201	Registered	75936034	2/17/2000	2415984	12/26/2000	35 - dissemination of advertising matter; administration of cultural and educational exchange programs; service activities; scholarships, fellowships and humanitarian grants; public relations; publicity agents

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
ROTARY CLUB	Rotary International 1560 Sherman Avenue Legal Services Division Evanston, Illinois 60201	Registered	75743960	7/6/1999	2338741	4/4/2000	25 - clothing, namely, [mens, ladies and childrens] *men's, ladies' and children's* jerseys, sweaters, sweatshirts, shirts and t-shirts, trousers, shorts, slacks, jackets, coats, belts, scarves, bandannas, neckties, gloves, socks, hosiery, sleepwear, pajamas, undergarments, boxershorts, footwear, hats, caps, bores, blazers, vests, cummerbunds, aprons, suspenders, athletic wear, namely, visors, athletic shoes, wrist bands, head bands
ROTARY CLUB	Rotary International 1560 Sherman Avenue Legal Services Division Evanston, Illinois 60201	Registered	75702326	5/10/1999	2341072	4/1/2000	20 - furniture namely desks, podiums, lecterns, cabinets, chests, and chairs, namely, swivel desk chairs, rocking chairs, armchairs, decorative wall mirrors, picture frames, mirrors, namely, personal compact mirrors, handheld mirrors; wood carvings, namely, plaques, signs, wall hangings, small wooden boxes and containers, decorative wooden objects, namely, wood sculptures, statues, statuettes; bowls, platters, nameplates, charity boxes, gavel and block sets and knife handles; jewelry cases not of precious metal; pillows
ROTARY CLUB	Rotary International 1560 Sherman Avenue Legal Services Division Evanston, Illinois 60201	Registered	75675776	4/5/1999	2329369	3/14/2000	36 - charitable fundraising, philanthropic services concerning monetary donations; financial services, namely, providing educational scholarships, fellowships and humanitarian grants through cultural and educational programs; trusteeship representatives
ROTARY CLUB	Rotary International 1560 Sherman Avenue Evanston, Illinois 60201	Registered	75647308	2/24/1999	2389358	9/26/2000	41 - educational and training services, namely, conducting training seminars, conferences, assemblies and workshops in the field of philanthropic, humanitarian and service activities and distributing course materials in connection therewith; club services, namely, organizing, supervising and guiding the formation of clubs for philanthropic, humanitarian, service and educational purposes; film and video tape editing services; publication of books and textbooks; organizing exhibitions and conventions for philanthropic, humanitarian and educational purposes
ROTARY CLUB	Rotary International 1560 Sherman Avenue, 13SW Evanston, Illinois 60201	Registered	75600183	12/4/1998	2298254	12/7/1999	16 - printed matter, namely, magazines, newsletters, books, pamphlets, brochures, catalogs, instructional materials, booklets, manuals and handbooks all in the fields of humanitarian services and association services; stationery, envelopes, stickers, folders, loose leaf binders, printed forms, geographical maps, graphic prints, greeting cards, posters, calendars, printed award certificates, playing cards, letter openers, book marks, paperweights, pens, pencils, pen cases, desk sets, albums, namely, photo, address, appointment, calling card, memory books, term books, scrapbooks, notebooks, general purpose plastic bags, bookends, paper table napkins, paper place mats, paper table linens, and memberships directories
ROTARY CLUB	Rotary International 1560 Sherman Avenue Legal Services Division Evanston, Illinois 60201	Registered	75581180	11/2/1998	2342747	4/18/2000	14 jewelry, namely, badges of precious metal, lapel pins, medals, miniature medals, medallions, earrings, necklaces, chains, bracelets, brooches, cuff links, tie tacks, tie clips, rings, belts buckles of precious metal, for clothing, cups of precious metal

TOASTMASTER Trademark Applications and Registrations - United States

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	Toastmasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Registered	85487596	12/5/2011	4182814	7/31/2012	41 - training in leadership, public speaking, communication, and critiquing thereof
	Toastmasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Registered (Collective Membership Mark)	85487600	12/5/2011	4182815	7/31/2012	Indicating membership in a(n) organization whose purposed is providing training in leadership, public speaking, communication, and critiquing thereof
	Toastmasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Pending (TTU) Notice of Allowance issued	85487613	12/5/2011			24 - banners made of fabric; fabrics, namely, microfiber cloths; 25 - clothing, namely, caps, shirts and t-shirts, jackets, ties
	Toastmasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Pending (TTU) Notice of Allowance issued	85487610	12/5/2011			6 - metal trophies, key fobs of common metal, key chains of common metal; key rings of common metal; 18 - Business card holders of common metal in the nature of card cases; 20 - non-metal trophies, plaques of wood, lecterns, frames for printed awards

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
	ToastsMasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Pending (ITU) Notice of Allowance issued	85487606	12/5/2011			14 - jewelry and precious metal ware, namely, lapel buttons in the nature of lapel pins, lapel pins, charms, broaches and pendants; award medals and medallions of common metal
	ToastsMasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Pending (ITU) Notice of Allowance issued	85487605	12/5/2011			16 - pamphlets, books, booklets, handbooks, magazines, newsletters, manuals, journals, and catalogs in the field of public speaking, letterhead stationery, envelopes, paper guest badges, stationery type portfolios, binders, paper posters, bumper stickers, printed membership certificates, printed award certificates, printed participation certificates, ribbons, partially printed forms, namely, ballots, partially printed forms, writing instruments, namely, pencils and ink pens; paperweights and pencil and pen holders, decals, bookmarks, printed paper CD labels and printed CD covers in the nature of a sleeve for holding and protecting compact discs; printed gift certificates and award and certificate holders in the nature of document holders
	ToastsMasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Pending (ITU) Notice of Allowance issued	85487602	12/5/2011			9 - pre-recorded electronic media, namely, digital recording discs, motion picture films, DVDs, CD-ROMs, compact discs, optical discs, digital audio tapes, wave audio files recorded on CD and MP3 files all in the field of public speaking; pre-recorded USB flash drives featuring public speaking; downloadable digital content, namely, brochures, pamphlets, books, booklets, handbooks, magazines, journals, and newsletters all in the field of public speaking; downloadable digital content, namely, letterhead stationery, envelopes, invitations; downloadable mobile applications featuring information about public speaking, protective sleeve for laptop computers; briefcase specially adapted for holding a computer; laser pointers, LED pointers
	ToastsMasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Registered	76360594	1/18/2002	2715277	5/13/2003	9 - electronic media, namely, digital recording discs, audio cassette tapes, video cassette tapes, motion pictures and motion picture film, DVDs, CD-ROMs, phonograph records, compact discs, digital audio tapes, wave audio files recorded on CD or computer chip, MP3 files recorded on CD or computer chip, and optical discs, all featuring entertainment and educational matter, namely, music, speeches and photographs

Mark	Owner of Record	Status	App. No.	App. Date	Reg. No.	Reg. Date	Goods and Services
TOASTMASTERS INTERNATIONAL	Toastmasters International 2200 N. Grand Avenue Santa Ana, CA 92701	Registered	73686169	9/24/1987	1505788	9/27/1988	14 - jewelry and precious metal ware, namely: lapel pins, tie chains, tie clasps, charms, finger rings, cuff links, broaches and pendants; 16 - letterhead, stationery envelopes, place mats, place cards, guest badges, stationery type portfolios, binders, posters, bumper stickers, heat transfer emblems, membership certificates and pen pencil holders; 20 - plaques, trophies, and gavels; 24 - banners made of fabric
TOASTMASTERS INTERNATIONAL T	Toastmasters International 23182 Arroyo Vista Rancho Santa Margarita, CA 92688	Registered	73628091	11/3/1986	1471378	1/5/1988	14 - jewelry and precious metalware, namely: lapel buttons, tie chains, tie clasps, charms, finger rings, cuff links, broaches and pendants; 16 - letterhead stationery, envelopes, books, magazines and newsletters for helping people to improve their ability to express themselves clearly and concisely and develop and strengthen their leadership and executive potential; manuals, catalogs, paper place mats, paper place cards, paper guest badges, portfolios (stationery type), binders, paper posters, bumper stickers, heat transfer emblems, membership certificates and pencil and pen holders; 20 - plaques, trophies and gavels; 24 - banners made of fabric



EXHIBIT 5

United States of America
United States Patent and Trademark Office



Reg. No. 4,276,193

Registered Jan. 15, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

GIRL SCOUTS OF THE UNITED STATES OF AMERICA (D.C. CONGRESSIONALLY
CHARTERED NON-PROFIT CORPORATION)
420 FIFTH AVENUE
NEW YORK, NY 100182798

FOR: NUT PRODUCTS, NAMELY, CANDIED NUTS, FLAVORED NUTS AND TRAIL MIXES
CONSISTING PRIMARILY OF PROCESSED NUTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-0-2012; IN COMMERCE 9-0-2012.

FOR: COOKIES, CHOCOLATE CANDIES AND CHOCOLATE COVERED NUTS, IN CLASS
30 (U.S. CL. 46).

FIRST USE 9-0-2011; IN COMMERCE 9-0-2011.

OWNER OF U.S. REG. NOS. 1,142,655, 1,318,643, AND OTHERS.

THE MARK CONSISTS OF THE WORDS "GIRL SCOUTS" IN LOWERCASE LETTERS WITH
THE DESIGN OF A CLOVER WITH THREE ALTERNATING PROFILES OF A WOMAN'S
FACE WITHIN THE BORDERS OF THE CLOVER, TO THE IMMEDIATE RIGHT, SLIGHTLY
ABOVE THE WORD "SCOUTS".

SN 85-134,214, FILED 9-21-2010.

MARK PILARO, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 4,200,117

Registered Aug. 28, 2012

Int. Cl.: 16

TRADEMARK

PRINCIPAL REGISTER

GIRL SCOUTS OF THE UNITED STATES OF AMERICA (D.C. CONGRESSIONALLY
CHARTERED NON-PROFIT CORPORATION)
420 FIFTH AVENUE
NEW YORK, NY 100182798

FOR: STATIONERY, NAMELY, PENS AND PENCILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).

FIRST USE 6-0-2010; IN COMMERCE 6-0-2010.

OWNER OF U.S. REG. NOS. 1,142,655, 1,318,643, AND OTHERS.

THE MARK CONSISTS OF THE WORDS "GIRL SCOUTS" IN LOWERCASE LETTERS WITH
THE DESIGN OF A CLOVER WITH THREE ALTERNATING PROFILES OF A WOMAN'S
FACE WITHIN THE BORDERS OF THE CLOVER, TO THE IMMEDIATE RIGHT, SLIGHTLY
ABOVE THE WORD "SCOUTS".

SN 85-976,424, FILED 9-21-2010.

MARK PILARO, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 4,085,279

Registered Jan. 10, 2012

Int. Cls.: 18, 25, and 41

GIRL SCOUTS OF THE UNITED STATES OF AMERICA (D.C. CONGRESSIONALLY
CHARTERED NON-PROFIT CORPORATION)
420 FIFTH AVENUE
NEW YORK, NY 100182798

FOR: TOTE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

TRADEMARK

FIRST USE 4-0-2010; IN COMMERCE 4-0-2010.

SERVICE MARK

FOR: CLOTHING, NAMELY, SHIRTS, TEE-SHIRTS, AND SWEATSHIRTS, IN CLASS 25
(U.S. CLS. 22 AND 39).

PRINCIPAL REGISTER

FIRST USE 4-0-2010; IN COMMERCE 4-0-2010.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING PROGRAMS AND ACTIVITIES
FOR GIRLS TO PROMOTE SOCIAL, PHYSICAL AND INTELLECTUAL GROWTH AND
DEVELOPMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-0-2011; IN COMMERCE 2-0-2011.

OWNER OF U.S. REG. NOS. 1,142,655, 1,318,643, AND OTHERS.



THE MARK CONSISTS OF THE WORDS "GIRL SCOUTS" IN LOWERCASE LETTERS WITH
THE DESIGN OF A CLOVER WITH THREE ALTERNATING PROFILES OF A WOMAN'S
FACE WITHIN THE BORDERS OF THE CLOVER. TO THE IMMEDIATE RIGHT, SLIGHTLY
ABOVE THE WORD "SCOUTS".

SN 85-975,896, FILED 9-21-2010.

MARK PILARO, EXAMINING ATTORNEY

David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 16 and 25

Prior U.S. Cls.: 38 and 39

Reg. No. 1,816,847
United States Patent and Trademark Office Registered Jan. 18, 1994

TRADEMARK
PRINCIPAL REGISTER

GIRL SCOUTS

GIRL SCOUTS OF THE UNITED STATES OF
AMERICA (UNITED STATES CORPORATION)
420 FIFTH AVENUE
NEW YORK, NY 10018

FOR: STATIONERY, NOTE PADS, ADDRESS
BOOKS, AUTOGRAPH BOOKS, BOOK MARKS,
STICKERS, PENS, PENCILS AND POSTERS, IN
CLASS 16 (U.S. CL. 38).

FIRST USE 0-0-1950; IN COMMERCE
0-0-1950.

FOR: SWEATERS, SHIRTS, BLOUSES, TEE-
SHIRTS, TIES, JUMPERS, SHORTS, SLACKS,

NIGHTSHIRTS, TIGHTS, SOCKS, SOCK TAS-
SELS, SWEATSHIRTS, SWEATPANTS,
SCARVES, HATS, HEADBANDS, SWEAT-
BANDS AND VISORS, IN CLASS 25 (U.S. CL.
39).

FIRST USE 0-0-1950; IN COMMERCE
0-0-1950.

OWNER OF U.S. REG. NOS. 784,475, 1,480,077
AND OTHERS.

SER. NO. 74-380,303, FILED 4-19-1993.

ZHALEH KHABIRI, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,595,191

Registered May 8, 1990

**TRADEMARK
PRINCIPAL REGISTER**



GIRL SCOUTS

GIRL SCOUTS OF THE UNITED STATES OF
AMERICA (UNITED STATES CORPORA-
TION)
830 THIRD AVENUE
NEW YORK, NY 10022

FOR: FLASHLIGHTS, IN CLASS 11 (U.S. CL.
21).

FIRST USE 2-17-1989; IN COMMERCE
2-17-1989.

OWNER OF U.S. REG. NOS. 1,142,655, 1,318,643
AND OTHERS.

SER. NO. 73-821,902, FILED 8-28-1989.

PAUL BURKE, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,293,110

Registered Sep. 4, 1984

TRADEMARK
Principal Register



GIRL SCOUTS

Girl Scouts of the United States of America (United
States corporation)
630 Third Ave.
New York, N.Y. 10022

For: COOKIES, in CLASS 30 (U.S. Cl. 46).
First use May 18, 1979; in commerce Oct. 30,
1979.
Owner of U.S. Reg. Nos. 984,062, 1,190,867 and
others.

Ser. No. 435,080, filed Jul. 18, 1983.

RICHARD A. STRASER, Examining Attorney

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,142,655

Registered Dec. 9, 1980

TRADEMARK
Principal Register



Girl Scouts of the United States of America (U.S.A.
corporation)
830 3rd Ave.
New York, N.Y. 10022

For: T-SHIRTS, in CLASS 25 (U.S. Cl. 39).
First use Oct. 25, 1978; in commerce Oct. 25, 1978.
Owner of U.S. Reg. Nos. 215,598, 215,905 and
others.

Ser. No. 198,872, filed Jan. 2, 1979.

J. H. WEBB, Primary Examiner

Int. Cls.: 18 and 25

Prior U.S. Cls.: 1, 2, 3, 22, 39 and 41

United States Patent and Trademark Office

Reg. No. 3,511,362

Registered Oct. 7, 2008

**TRADEMARK
PRINCIPAL REGISTER**



UNITED STATES TENNIS ASSOCIATION IN-
CORPORATED (NEW YORK NON-PROFIT
CORPORATION)
70 WEST RED OAK LANE
WHITE PLAINS, NY 10604

FOR: BAGS, NAMELY, DUFFLE BAGS, ATHLET-
IC BAGS, SPORT BAGS, CINCH SACKS, MESSENGER
BAGS, GARMENT BAGS FOR TRAVEL;
BACKPACKS, TOTE BAGS, AND WOMEN'S HAND
BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 2-1-2006; IN COMMERCE 2-1-2006.

FOR: CLOTHING, NAMELY, DRESS SHIRTS,
TEE SHIRTS, PANTS, SHORTS, SWEAT SHIRTS,
SWEAT PANTS, VESTS, JACKETS, HATS, CAPS,

VISORS, TANK TOPS AND SOCKS, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 2-1-2006; IN COMMERCE 2-1-2006.

OWNER OF U.S. REG. NOS. 2,819,936, 2,820,023,
AND 3,331,216.

THE MARK CONSISTS OF A SHIELD WITH THE
WORD MARK "USTA" AND A BALL AND FLAME
DESIGN.

SER. NO. 77-375,744, FILED 1-18-2008.

MAYUR VAGHANI, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,820,023

Registered Mar. 2, 2004

**TRADEMARK
PRINCIPAL REGISTER**

USTA

UNITED STATES TENNIS ASSOCIATION IN-
CORPORATED (NEW YORK NOT FOR PROF-
IT CORPORATION)
70 WEST RED OAK LANE
WHITE PLAINS, NY 10604

FOR: CLOTHING, NAMELY SHIRTS AND HATS,
IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-0-1998; IN COMMERCE 1-0-1998.

OWNER OF U.S. REG. NO. 1,931,277.

SER. NO. 78-242,259, FILED 4-25-2003.

HELEN BRYAN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,817,492

United States Patent and Trademark Office

Registered Feb. 24, 2004

**TRADEMARK
PRINCIPAL REGISTER**

USTA

UNITED STATES TENNIS ASSOCIATION IN-
CORPORATED (NEW YORK NOT FOR PROF-
IT CORPORATION)
70 WEST RED OAK LANE
WHITE PLAINS, NY 10604

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

OWNER OF U.S. REG. NO. 1,931,277.

SER. NO. 78-235,242, FILED 4-8-2003.

FOR: PRE-RECORDED VIDEO CASSETTES IN
THE FIELD OF TENNIS, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

BRIAN PINO, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,817,418

United States Patent and Trademark Office

Registered Feb. 24, 2004

**TRADEMARK
PRINCIPAL REGISTER**

USTA

UNITED STATES TENNIS ASSOCIATION IN-
CORPORATED (UNITED STATES CORPORA-
TION)
70 WEST RED OAK LANE
WHITE PLAINS, NY 10604

FIRST USE 1-0-1976; IN COMMERCE 1-0-1976.

OWNER OF U.S. REG. NOS. 1,931,277 AND
1,967,714.

FOR: BOOKS, PERIODICALS, AND MAGAZINES
ABOUT TENNIS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).

SER. NO. 78-230,243, FILED 3-26-2003.

TRICIA THOMPkins, EXAMINING ATTORNEY

Int. Cls.: 8, 11, 14, 16, 20, 21, 24 and 28

Prior U.S. Cls.: 22, 23, 28, 29, 34, 37, 38 and 50

Reg. No. 1,725,084

United States Patent and Trademark Office Registered Oct. 20, 1992

TRADEMARK
PRINCIPAL REGISTER

BOY SCOUTS OF AMERICA

BOY SCOUTS OF AMERICA (UNITED STATES
CORPORATION CHARTERED BY AN ACT
OF CONGRESS)
1325 WEST WALNUT HILL LANE
P.O. BOX 152079
IRVING, TX 750152079

FOR: POCKET KNIVES, UTILITY KNIVES
AND LOCK BACK KNIVES, IN CLASS 8 (U.S.
CL. 23).

FIRST USE 0-0-1911; IN COMMERCE
0-0-1911.

FOR: FLINT AND STEEL FIRE-MAKING
SET CONSISTING OF TINDER, FLINT, STEEL
BAR AND INSTRUCTIONS, IN CLASS 11 (U.S.
CL. 34).

FIRST USE 0-0-1950; IN COMMERCE
0-0-1950.

FOR: JEWELRY; NAMELY, RINGS AND
PINS, IN CLASS 14 (U.S. CL. 28).

FIRST USE 0-0-1940; IN COMMERCE
0-0-1940.

FOR: STATIONERY, ACTIVITY BOOKS AND
MANUALS, CONCERNING OUTDOOR ACTIVI-
TIES, CRAFTS, AND REQUIREMENT OF AP-
PLICANT'S ORGANIZATION, DECALS, DESK

SETS WITH PEN AND PEN HOLDER, PEN
AND PENCIL SETS, PRINTED CERTIFI-
CATES, IN CLASS 16 (U.S. CLS. 37 AND 38).

FIRST USE 0-0-1911; IN COMMERCE
0-0-1911.

FOR: HAND-HELD MIRRORS, PLAQUES, IN
CLASS 20 (U.S. CL. 50).

FIRST USE 0-0-1940; IN COMMERCE
0-0-1940.

FOR: NON-ELECTRIC TOOTHBRUSH, SOAP
HOLDER CADDY, AND MUGS, IN CLASS 21
(U.S. CL. 29).

FIRST USE 0-0-1940; IN COMMERCE
0-0-1940.

FOR: PENNANTS, NOT OF PAPER, IN
CLASS 24 (U.S. CL. 50).

FIRST USE 0-0-1950; IN COMMERCE
0-0-1950.

FOR: BALLOONS, IN CLASS 28 (U.S. CLS. 22
AND 50).

FIRST USE 0-0-1970; IN COMMERCE
0-0-1970.

SER. NO. 74-224,874, FILED 11-25-1991.

BLAINE T. KUSER, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,215,939

Registered Nov. 9, 1982

TRADEMARK
Principal Register

BOY SCOUTS OF AMERICA

Boy Scouts of America (United States federally
chartered corporation)
P.O. Box 61030
Dallas/Ft. Worth Airport, Tex. 75261

For: ITEMS OF CLOTHING FORMING PART
OF A UNIFORM CONSISTING OF SHIRTS,
PANTS, SHORTS, SKIRTS, DRESSES, BELTS,
SOCKS, HATS, AND NECKERCHIEFS, in
CLASS 25 (U.S. Cl. 39).
First use Jan. 31, 1911; in commerce Jan. 31, 1911.

Ser. No. 297,300, filed Feb. 17, 1981.

TERESA M. RUPP, Examining Attorney

United States of America

United States Patent and Trademark Office



Reg. No. 3,951,522

Registered Apr. 26, 2011

Int. Cl.: 24

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: BED BLANKETS; SHOWER CURTAINS; TABLE LINEN; TOWELS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 1-1-2011; IN COMMERCE 1-1-2011.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,978, FILED 7-15-2009.

KIM MONINGHOFF, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,951,521

Registered Apr. 26, 2011

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: BATHING SUITS, CAPS, HATS, NECKTIES, PANTS, SHIRTS, UNIFORMS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-1-2010, IN COMMERCE 8-1-2010.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,975, FILED 7-15-2009.

KIM MONINGHOFF, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,951,520

Registered Apr. 26, 2011

Int. CL.: 28

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: BALLS FOR GAMES, FLYING DISCS, YO-YOS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 8-1-2010; IN COMMERCE 8-1-2010.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,971, FILED 7-15-2009.

KIM MONINGHOFF, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 3,951,519

Registered Apr. 26, 2011

Int. Cl.: 6

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: PLAQUES, TROPHIES, KEY RINGS, ALL MADE OF COMMON METAL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 8-1-2010; IN COMMERCE 8-1-2010.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,965, FILED 7-15-2009.

KIM MONINGHOFF, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 3,948,504

Registered Apr. 19, 2011

Int. Cl.: 14

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: CUFFLINKS; JEWELRY; MEDALS; PINS; TIE PINS; WATCHES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 8-1-2010; IN COMMERCE 8-1-2010.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,997, FILED 7-15-2009.

MICHAEL ENGEL, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,948,503

Registered Apr. 19, 2011

Int. Cl.: 18

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: ALL-PURPOSE CARRYING BAGS; BACKPACKS; BOOK BAGS; HANDBAGS; SPORT BAGS; TOTE BAGS; UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 8-1-2010, IN COMMERCE 8-1-2010.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,996, FILED 7-15-2009.

MICHAEL ENGEL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 3,948,502

Registered Apr. 19, 2011

Int. Cl.: 20

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: NON-METAL KEY RINGS; PLAQUES OF PLASTIC AND WOOD; PLASTIC NAME BADGES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 8-1-2010; IN COMMERCE 8-1-2010.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,983, FILED 7-15-2009.

MICHAEL ENGEL, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,948,501

Registered Apr. 19, 2011

Int. Cl.: 21

TRADEMARK

PRINCIPAL REGISTER

NATIONAL COUNCIL OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA (ILLINOIS NON-PROFIT CORPORATION)
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: CUPS; DRINKING GLASSES; MUGS; PLAQUES OF CRYSTAL, GLASS AND PORCELAIN; AND PLASTIC WATER BOTTLES SOLD EMPTY, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 8-1-2010, IN COMMERCE 8-1-2010.

OWNER OF U.S. REG. NOS. 659,629, 668,795, AND 1,549,218.

THE MARK CONSISTS OF THE TERM "THE" ON THE LEFT HAND SIDE OF A STYLIZED LETTER "Y" WHICH INCLUDES AN UPSIDE DOWN TRIANGULAR SHAPED OBJECT ON THE UPPER RIGHT CORNER. THE ACRONYM "YMCA" APPEARS ON THE BOTTOM RIGHT CORNER OF THE STYLIZED "Y".

SN 77-781,979, FILED 7-15-2009.

MICHAEL ENGEL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 16, 25, and 41

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39, 50, 100,
101, and 107

Reg. No. 2,232,703

United States Patent and Trademark Office

Registered Mar. 16, 1999

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

YMCA SPLASH

NATIONAL COUNCIL OF YOUNG MEN'S
CHRISTIAN ASSOCIATIONS OF THE
UNITED STATES OF AMERICA, THE (ILLI-
NOIS NOT-FOR-PROFIT CORPORATION)
101 NORTH WACKER DRIVE
CHICAGO, IL 60606

FOR: PUBLICATIONS AND PRINTED MA-
TERIALS, NAMELY, HANDOUTS, BOOKS,
MANUALS, PAMPHLETS, PROMOTIONAL
MATERIALS, AND MARKETING MATERIALS
RELATING TO SWIMMING AND WATER
SAFETY EDUCATION CLASSES, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-0-1997; IN COMMERCE
1-0-1997.

FOR: CLOTHING, NAMELY, T-SHIRTS AND
SPORTING APPAREL, NAMELY, CAPS,
SWEATSHIRTS, AND SWEATPANTS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-0-1997; IN COMMERCE
6-0-1997.

FOR: EDUCATIONAL SERVICES, NAMELY,
GROUP AND INDIVIDUAL SWIMMING AND
WATER SAFETY INSTRUCTION, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 4-6-1997; IN COMMERCE
4-6-1997.

SN 75-205,661, FILED 11-27-1996.

KIMBERLY PERRY, EXAMINING ATTORNEY

Int. Cls.: 25 and 41

Prior U.S. Cls.: 39 and 107

Reg. No. 1,549,218

United States Patent and Trademark Office Registered July 25, 1989

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

YMCA

NATIONAL COUNCIL OF YOUNG MEN'S
CHRISTIAN ASSOCIATIONS (ILLINOIS COR-
PORATION), AKA YMCA OF THE USA, AKA
THE NATIONAL COUNCIL OF YOUNG
MEN'S CHRISTIAN ASSOCIATIONS OF THE
UNITED STATES OF AMERICA
101 N. WACKER DRIVE
CHICAGO, IL 60606

FOR: CLOTHING, NAMELY, SHORTS, T-
SHIRTS, SWEATPANTS, SWEATSHIRTS,
PANTS, SHIRTS, SOCKS AND BATHING
SUITS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 0-0-1855; IN COMMERCE
0-0-1855.

FOR: EDUCATIONAL AND ENTERTAIN-
MENT SERVICES, NAMELY, CONDUCTING
PROGRAMS DESIGNED TO PROMOTE THE
PHYSICAL, MENTAL, AND SPIRITUAL DEVE-
LOPMENT OF OTHERS, IN CLASS 41 (U.S. CL.
107).

FIRST USE 0-0-1855; IN COMMERCE
0-0-1855.

OWNER OF U.S. REG. NOS. 659,629 AND
668,795.

SER. NO. 578,007, FILED 1-16-1986.

MARTIN MARKS, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22, and 41

United States Patent and Trademark Office

Reg. No. 3,146,376

Registered Sep. 19, 2006

**TRADEMARK
PRINCIPAL REGISTER**



UNITED WAY OF AMERICA (NEW YORK CORPORATION)
701 NORTH FAIRFAX ST.
ALEXANDRIA, VA 223142045

FOR: TOTE BAGS, BACKPACKS, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 4-20-2004; IN COMMERCE 4-20-2004.

OWNER OF U.S. REG. NOS. 100,815, 2,374,762,
AND OTHERS.

THE COLOR(S) WHITE, DARK BLUE, ORANGE,
YELLOW AND RED IS/ARE CLAIMED AS A FEATURE
OF THE MARK.

THE COLOR(S) WHITE FOR THE LETTERING
OF THE WORDS UNITED WAY, DARK BLUE FOR
THE BACKGROUND, DARK BLUE FOR THE
HAND, ORANGE FOR THE RAINBOW THAT
FADES TO YELLOW ON EITHER END, RED FOR
THE PERSON FIGURE IS/ARE CLAIMED AS A
FEATURE OF THE MARK.

SN 78-416,172, FILED 5-10-2004.

HENRY S. ZAK, EXAMINING ATTORNEY

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

Reg. No. 3,130,725

United States Patent and Trademark Office

Registered Aug. 15, 2006

**TRADEMARK
PRINCIPAL REGISTER**



UNITED WAY OF AMERICA (NEW YORK NOT-
FOR-PROFIT CORPORATION)
701 NORTH FAIRFAX ST.
ALEXANDRIA, VA 223142045

FOR: CERAMIC AWARDS, MUGS, CUPS, WA-
TER BOTTLES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30,
33, 40 AND 50).

FIRST USE 5-20-2004; IN COMMERCE 5-20-2004.

OWNER OF U.S. REG. NOS. 100,815, 1,534,602,
AND 2,374,762.

THE COLOR(S) WHITE, DARK BLUE, ORANGE,
RED, AND YELLOW IS/ARE CLAIMED AS A
FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDS UNITED
WAY AND A DESIGN COMPRISING A HAND,
RAINBOW AND PERSON IN TWO ADJACENT
SQUARES. THE COLOR(S) WHITE FOR THE LET-
TERING OF THE WORDS UNITED WAY, DARK
BLUE FOR THE BACKGROUND, DARK BLUE FOR
THE HAND, ORANGE FOR THE RAINBOW THAT
FADES TO YELLOW ON EITHER END, RED FOR
THE PERSON FIGURE.

SN 78-416,169, FILED 5-10-2004.

HENRY S. ZAK, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,088,531

Registered May 2, 2006

TRADEMARK
PRINCIPAL REGISTER



UNITED WAY OF AMERICA (NEW YORK NOT
FOR PROFIT CORPORATION)

701 NORTH FAIRFAX ST.

ALEXANDRIA, VA 22314-2045

FOR: APPAREL, NAMELY T-SHIRTS, POLO
SHIRTS, BUTTON DOWN SHIRTS, HATS, CAPS,
APRONS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-20-2004; IN COMMERCE 5-20-2004.

THE COLOR(S) WHITE, DARK BLUE, ORANGE,
YELLOW, RED IS/ARE CLAIMED AS A FEATURE
OF THE MARK.

THE MARK CONSISTS OF THE WORDS UNITED
WAY AND A DESIGN COMPRISING A HAND,
RAINBOW AND PERSON IN TWO ADJACENT
SQUARES. THE COLOR(S) WHITE FOR THE LET-
TERING OF THE WORDS UNITED WAY, DARK
BLUE FOR THE BACKGROUND, DARK BLUE FOR
THE HAND, ORANGE FOR THE RAINBOW THAT
FADES TO YELLOW ON EITHER END, RED FOR
THE PERSON FIGURE IS/ARE CLAIMED AS A
FEATURE OF THE MARK.

SN 78-416,140, FILED 5-10-2004.

MICHAEL ENGEL, EXAMINING ATTORNEY

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

United States Patent and Trademark Office

Reg. No. 3,199,396

Registered Jan. 16, 2007

TRADEMARK
PRINCIPAL REGISTER



UNITED WAY OF AMERICA (NEW YORK NOT-
FOR-PROFIT CORPORATION)

701 NORTH FAIRFAX ST.

ALEXANDRIA, VA 223142045

FOR: PLAQUES AND DESK TOP AWARDS IN
THE NATURE OF DECORATIVE PLAQUES TO
SIGNIFY ACHIEVEMENT LEVELS OR RECOGNITION
FOR VOLUNTEERS, CORPORATIONS, OR
ANY AWARD CEREMONY, IN CLASS 20 (U.S. CLS.
2, 13, 22, 25, 32 AND 50).

FIRST USE 4-20-2004; IN COMMERCE 4-20-2004.

THE COLORS WHITE, DARK BLUE, ORANGE,
YELLOW AND, RED ARE CLAIMED AS FEATURES
OF THE MARK.

THE COLOR(S) WHITE FOR THE LETTERING
OF THE WORDS UNITED WAY, DARK BLUE FOR
THE BACKGROUND, DARK BLUE FOR THE
HAND, ORANGE FOR THE RAINBOW THAT
FADES TO YELLOW ON EITHER END, RED FOR
THE PERSON FIGURE IS/ARE CLAIMED AS A
DISTINCTIVE FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDS UNITED
WAY AND A DESIGN COMPRISING A HAND,
RAINBOW AND PERSON IN TWO ADJACENT
SQUARES.

SN 78-416,183, FILED 5-10-2004.

SHAUNIA WALLACE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

UNITED WAY DAY OF ACTION

Reg. No. 3,885,313
Registered Dec. 7, 2010
Int. Cls.: 25 and 35

UNITED WAY WORLDWIDE (NEW YORK NON-PROFIT CORPORATION)
701 N. FAIRFAX STREET
ALEXANDRIA, VA 22314-2045

FOR: CLOTHING, NAMELY, HATS, T-SHIRTS, BANDANAS, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

FIRST USE 6-21-2008; IN COMMERCE 6-21-2008.

SERVICE MARK

FOR: CHARITABLE SERVICES, NAMELY, ORGANIZING AND CONDUCTING VOLUNTEER PROGRAMS AND COMMUNITY SERVICE PROJECTS AIMED AT INCREASING AWARENESS AND SUPPORT FOR THE BUILDING BLOCKS OF A GOOD LIFE, NAMELY EDUCATION, INCOME AND HEALTH ISSUES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

PRINCIPAL REGISTER

FIRST USE 6-21-2008; IN COMMERCE 6-21-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,493,849, 3,509,484 AND OTHERS.

SER. NO. 77-948,257, FILED 3-2-2010.

ELLEN BURNS, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

Int. Cls.: 6, 8, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26 and 28

Prior U.S. Cls.: 2, 3, 13, 21, 22, 23, 26, 28, 33, 34, 37, 38, 39, 42 and 50
Reg. No. 1,493,849

United States Patent and Trademark Office Registered June 28, 1968

**TRADEMARK
PRINCIPAL REGISTER**

UNITED WAY

UNITED WAY OF AMERICA (NEW YORK NOT
FOR PROFIT CORPORATION)
701 NORTH FAIRFAX STREET
ALEXANDRIA, VA 223142045

FOR: METAL GOODS—NAMES, SIGNS,
KEY CHAINS AND KEY HOLDERS, IN CLASS
6 (U.S. CLS. 13 AND 50).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: POCKET KNIVES, COMBINATION
MONEY CLIP AND POCKET KNIFE, POCKET
TOOL FOR REPAIRING GOLF GREENS AND
CLEANING GOLF SHOES, COMBINATION
PAPER CLIP AND ICE SCRAPER, LUCITE
GRAVELS, IN CLASS 8 (U.S. CL. 23).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: RULERS, THERMOMETERS, MOVIES
AND SLIDES; MAGNETIC MEMO CLIPS, IN
CLASS 9 (U.S. CLS. 21 AND 26).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: FLASHLIGHTS, IN CLASS 11 (U.S. CL.
34).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: BRONZE MEDALLIONS, BRONZE
STATUE AWARDS, IN CLASS 14 (U.S. CL. 28).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: BUSINESS FORMS, PREPARED MEDIA
ANNOUNCEMENTS, PHOTOGRAPHS, NOTE-
BOOKS, BINDERS, BOOKS ON FUNDRAISING,
STATIONERY CARDS, MAGAZINES, CLIP-
BOARDS, FOLDERS, STAMPS, GUMMED
STICKERS, PAPER TRANSFERS, DECALS,

BILLBOARD SHEETS, POSTERS, STATION-
ERY, NAMELY, LETTER-HEAD-TYPE PAPER
AND EMBOSSED OR ENGRAVED ENVE-
LOPES, PAPER BANNERS, PENNANTS AND
FLAGS, PAPER DISPLAYS, NAPKINS, PAPER
PLACEMATS, PENS, PEN SETS COMPOSED
OF A PEN & PENCIL, MEMO PADS AND
TELEPHONE ADDRESS INDEXES, HOLDERS,
BILLBOARD SHEETS, DESK ORGANIZER
(PAPER CLIP, PENCIL CADDY AND PAPER
IN ONE), PRINTED AWARD CERTIFICATES,
FOLDERS AND CLIPBOARDS, BOOKENDS,
LETTER OPENERS, IN CLASS 16 (U.S. CLS. 37
AND 38).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: PLASTIC PORTFOLIOS, IN CLASS 18
(U.S. CL. 3).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: DESK-TOP AWARDS IN THE NATURE
OF DECORATIVE PLAQUES, IN CLASS 20
(U.S. CL. 50).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: CERAMIC AWARDS, TABLEWARE -
NAMELY, PITCHERS, TRAYS, GLASSES AND
COFFEE SERVICE, PLASTIC COFFEE MUGS,
CERAMIC MUGS, PEWTER MUGS, IN CLASS
21 (U.S. CLS. 2 AND 33).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: BANNERS, TABLECLOTHS, IN CLASS
24 (U.S. CL. 42).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: SHIRTS, HATS, TIES AND SCARVES,
IN CLASS 25 (U.S. CL. 39).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: LAPEL PINS, BUTTONS AND TABS, IN
CLASS 26 (U.S. CL. 28).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

FOR: AERODYNAMIC FLYING DISCS,
HAND-OPERATED STRING WOUND TOYS IN
THE SHAPE OF A SPOOL, GOLF CLUBS,

GOLF BALLS AND TEES, TOY BALLOONS, IN
CLASS 28 (U.S. CLS. 22 AND 50).

FIRST USE 0-0-1978; IN COMMERCE
0-0-1978.

OWNER OF U.S. REG. NOS. 1,021,242, 1,168,921
AND OTHERS.

SER. NO. 688,888, FILED 10-9-1987.

JACQUELINE W. ABRAMS, EXAMINING AT-
TORNEY

Int. Cl.: 6

Prior U.S. Cls.: 2, 12, 13, 14, 23, 25 and 50

United States Patent and Trademark Office

Reg. No. 3,368,901

Registered Jan. 15, 2008

TRADEMARK
PRINCIPAL REGISTER

ROTARY CLUB

ROTARY INTERNATIONAL (ILLINOIS CORPORATION)
1560 SHERMAN AVENUE
EVANSTON, IL 60201

FOR: METAL KEY RINGS; METAL KEY CHAINS; METAL KEY FOBS; METAL KEY HOLDERS; BADGES OF METAL FOR VEHICLES; METAL IDENTITY AND LICENSE PLATES; METAL NAME BADGES; METAL NAME PLATES; MEMORIAL PLAQUES OF METAL; ALUMINUM RECOGNITION PLAQUES; BRONZE RECOGNITION PLAQUES; METAL PLAQUES FOR BUILDINGS; NON-LUMINOUS AND NON-MECHANICAL METAL OUTDOOR SIGNS; ROAD SIGNS AND HOUSE AND STREET SIGNS OF NON-PRECIOUS METALS; ROAD SIGNS OF METAL; COMMEMORATIVE STATUARY CUPS MADE OF NON-PRECIOUS METAL; TROPHIES OF COMMON METAL; BRONZES BEING WORKS OF ART; WORKS OF ART OF COMMON METAL; SCULPTURES MADE OF NON-PRECIOUS METAL; BUSTS OF NON-PRECIOUS METAL; MONUMENTS OF NON-PRECIOUS METAL; STATUES OF NON-PRECIOUS METAL; STATUETTES OF NON-PRECIOUS METAL; DESKTOP STATUARY MADE OF NON-PRECIOUS METAL; FIGURES OF COMMON METAL; FIGURINES OF COMMON METAL; PEWTER FIGURINES; ME-

TAL DOORKNOCKERS; TABLE BELLS OF NON-PRECIOUS METALS; METAL BELLS; DECORATIVE BOXES MADE OF PRECIOUS METAL; NON-PRECIOUS METAL BOXES; METAL DECORATIVE BOXES; METAL TIME CAPSULES; CASTINGS OF SEMI-FINISHED ARTICLES OF LEAD, ALUMINUM, COPPER, NICKEL, TIN OR THEIR ALLOYS; METAL CASTINGS, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 0-0-1909; IN COMMERCE 0-0-1909.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 702,706, 2,389,358 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLUB", APART FROM THE MARK AS SHOWN.

SER. NO. 77-179,226, FILED 5-11-2007.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 24

Prior U.S. Cls.: 42 and 50

Reg. No. 2,512,140

United States Patent and Trademark Office

Registered Nov. 27, 2001

**TRADEMARK
PRINCIPAL REGISTER**

ROTARY CLUB

ROTARY INTERNATIONAL (ILLINOIS CORPORATION)
1560 SHERMAN AVENUE
EVANSTON, IL 60201

FOR: TEXTILE WALL HANGINGS, NAMELY, BANNERS, PENNANTS; CLOTH FLAGS; BLANKETS, NAMELY, AFGHANS, TROWS, LAP BLANKETS, BED BLANKETS; FABRIC, NAMELY, COTTON AND COTTON-BLEND, WOOL AND WOOLEN BLEND, RAYON, ACRYLIC, LINEN, POLYESTER, NYLON, MICRO-FIBER, UPHOLSTERY FABRIC; PILLOW SHAMS; CLOTH TABLE

CLOTHS; HANDKERCHIEFS OF TEXTILE; TOWELS OF TEXTILE, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 8-0-1910; IN COMMERCE 8-0-1910.

OWNER OF U.S. REG. NOS. 702,706, 2,341,463 AND OTHERS.

SER. NO. 76-079,897, FILED 6-27-2000.

MARY HENELY, EXAMINING ATTORNEY

Int. Cls.: 25

Prior U.S. Cls: 22 and 39

United States Patent and Trademark Office

Corrected

Reg. No. 2,338,741

Registered Apr. 4, 2000

OG Date Nov. 28, 2000

**TRADEMARK
PRINCIPAL REGISTER**

ROTARY CLUB

ROTARY INTERNATIONAL (ILLINOIS
CORPORATION)
1560 SHERMAN AVENUE
EVANSTON, IL 60201

OWNER OF U.S. REG. NOS. 102,800,
2,189,079 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLU-
SIVE RIGHT TO USE "CLUB", APART
FROM THE MARK AS SHOWN.

FOR: CLOTHING, NAMELY ["MEN@S,
LADIE@S AND CHILDREN@S"] * MEN'S
LADIES' AND CHILDREN'S * JERSEYS,
SWEATERS, SWEATSHIRTS, SHIRTS AND

T-SHIRTS, TROUSERS, SHORTS, SLACKS,
JACKETS, COATS, BELTS, SCARVES, BAN-
DANNAS, NECKTIES, GLOVES, SOCKS,
HOSIERY, SLEEPWEAR, PAJAMAS,
UNDERGARMENTS, BOXERSHORTS,
FOOTWEAR, HATS, CAPS, BERETS,
BLAZERS, VESTS, CUMMERBUNDS,
APRONS, SUSPENDERS, ATHLETIC
WEAR, NAMELY, VISORS, ATHLETIC
SHOES, WRIST BANDS, HEAD BANDS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-0-1923; IN COMMERCE
5-0-1923.

SER. NO. 75-743,960, FILED 7-6-1999.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Nov. 28, 2000.*

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32 and 50

Reg. No. 2,341,072

United States Patent and Trademark Office

Registered Apr. 11, 2000

**TRADEMARK
PRINCIPAL REGISTER**

ROTARY CLUB

ROTARY INTERNATIONAL (ILLINOIS CORPORATION)
1560 SHERMAN AVENUE
EVANSTON, IL 60201

FOR: FURNITURE NAMELY DESKS, PODIUMS, LECTERNS, CABINETS, CHESTS, AND CHAIRS, NAMELY, SWIVEL DESK CHAIRS, ROCKING CHAIRS, ARMCHAIRS, DECORATIVE WALL MIRRORS, PICTURE FRAMES, MIRRORS, NAMELY, PERSONAL COMPACT MIRRORS, HANDHELD MIRRORS; WOOD CARVINGS, NAMELY, PLAQUES, SIGNS, WALL HANGINGS, SMALL WOODEN BOXES AND CONTAINERS, DECORATIVE WOODEN OBJECTS, NAMELY, WOOD SCULPTURES, STATUES, STATUETTES; BOWLS, PLATTERS,

NAMEPLATES, CHARITY BOXES, GAVEL AND BLOCK SETS AND KNIFE HANDLES; JEWELRY CASES NOT OF PRECIOUS METAL; PILLOWS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 7-0-1913; IN COMMERCE 7-0-1913.

OWNER OF U.S. REG. NOS. 102,800, 2,189,079 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLUB", APART FROM THE MARK AS SHOWN.

SER. NO. 75-702,326, FILED 5-10-1999.

HOWARD SMIGA, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,298,254

United States Patent and Trademark Office

Registered Dec. 7, 1999

TRADEMARK
PRINCIPAL REGISTER

ROTARY CLUB

ROTARY INTERNATIONAL (ILLINOIS NOT-
FOR-PROFIT CORPORATION)
1560 SHERMAN AVENUE
EVANSTON, IL 60201

FOR: PRINTED MATTER, NAMELY, MAGAZINES, NEWSLETTERS, BOOKS, PAMPHLETS, BROCHURES, CATALOGS, INSTRUCTIONAL MATERIALS, BOOKLETS, MANUALS AND HANDBOOKS ALL IN THE FIELDS OF HUMANITARIAN SERVICES AND ASSOCIATION SERVICES, STATIONERY, ENVELOPES, STICKERS, FOLDERS, LOOSE LEAF BINDERS, PRINTED FORMS, GEOGRAPHICAL MAPS, GRAPHIC PRINTS, GREETING CARDS, POSTERS, CALENDARS, PRINTED AWARD CERTIFICATES, PLAYING CARDS, LETTER OPENERS, BOOK MARKS, PAPERWEIGHTS,

PENS, PENCILS, PEN CASES, DESK SETS, ALBUMS, NAMELY, PHOTO, ADDRESS, APPOINTMENT, CALLING CARD, MEMORY BOOKS, TERM BOOKS, SCRAPBOOKS, NOTEBOOKS, GENERAL PURPOSE PLASTIC BAGS, BOOKENDS, PAPER TABLE NAPKINS, PAPER PLACE MATS, PAPER TABLE LINENS, AND MEMBERSHIPS DIRECTORIES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-1905; IN COMMERCE 12-0-1905.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLUB", APART FROM THE MARK AS SHOWN.

SER. NO. 75-600,183, FILED 12-4-1998.

HOWARD SMIGA, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

Reg. No. 2,342,747

United States Patent and Trademark Office

Registered Apr. 18, 2000

**TRADEMARK
PRINCIPAL REGISTER**

ROTARY CLUB

ROTARY INTERNATIONAL (ILLINOIS CORPORATION)
1560 SHERMAN AVENUE
EVANSTON, IL 60201

FOR: JEWELRY, NAMELY, BADGES OF PRECIOUS METAL, LAPEL PINS, MEDALS, MINIATURE MEDALS, MEDALLIONS, EARRINGS, NECKLACES, CHAINS, BRACELETS, BROOCHES, CUFF LINKS, TIE TACKS, TIE CLIPS, RINGS, BELTS BUCKLES OF PRECIOUS METAL, FOR CLOTHING, CUPS OF

PRECIOUS METAL, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 0-0-1909; IN COMMERCE 0-0-1909.

OWNER OF U.S. REG. NOS. 102,800, 2,189,079 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLUB", APART FROM THE MARK AS SHOWN.

SER. NO. 75-581,180, FILED 11-2-1998.

HOWARD SMIGA, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,715,277

United States Patent and Trademark Office

Registered May 13, 2003

TRADEMARK
PRINCIPAL REGISTER



TOASTMASTERS INTERNATIONAL (CALIFORNIA CORPORATION)
23182 ARROYO VISTA
RANCHO SANTA MARGARITA, CA 92688

FOR: ELECTRONIC MEDIA, NAMELY, DIGITAL RECORDING DISCS, AUDIO CASSETTE TAPES, VIDEO CASSETTE TAPES, MOTION PICTURES AND MOTION PICTURE FILM, DVD'S, CD-ROM'S, PHONOGRAPH RECORDS, COMPACT DISCS, DIGITAL AUDIO TAPES, WAVE AUDIO FILES RECORDED ON CD OR COMPUTER CHIP, MP3 FILES RECORDED ON CD OR COMPUTER CHIP, AND OPTICAL DISCS, ALL FEATURING ENTERTAINMENT AND EDUCATIONAL MATTER, NAMELY,

MUSIC, SPEECHES AND PHOTOGRAPHS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1982; IN COMMERCE 0-0-1982.

OWNER OF U.S. REG. NOS. 1,469,553, 1,471,378, AND 1,505,788.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERNATIONAL", APART FROM THE MARK AS SHOWN.

SER. NO. 76-360,594, FILED 1-18-2002.

SUSAN STIGLITZ, EXAMINING ATTORNEY

Int. Cls.: 14, 16, 20 and 24

Prior U.S. Cls.: 28, 37, 38 and 50

United States Patent and Trademark Office **Reg. No. 1,505,788**
Registered Sep. 27, 1988

**TRADEMARK
PRINCIPAL REGISTER**

TOASTMASTERS INTERNATIONAL

TOASTMASTERS INTERNATIONAL (CALI-
FORNIA CORPORATION)
2200 N. GRAND AVENUE
SANTA ANA, CA 92701

FOR: JEWELRY AND PRECIOUS METAL
WARE, NAMELY LAPEL PINS, TIE CHAINS,
TIE CLASPS, CHARMS, FINGER RINGS, CUFF
LINKS, BROACHES AND PENDANTS, IN
CLASS 14 (U.S. CL. 28).

FIRST USE 0-0-1956; IN COMMERCE
0-0-1956.

FOR: LETTERHEAD, STATIONERY ENVE-
LOPES, PLACE MATS, PLACE CARDS, GUEST
BADGES, STATIONERY TYPE PORTFOLIOS,
BINDERS, POSTERS, BUMPER STICKERS,
HEAT TRANSFER EMBLEMS, MEMBERSHIP

CERTIFICATES AND PEN PENCIL HOLDERS,
IN CLASS 16 (U.S. CLS. 37 AND 38).

FIRST USE 0-0-1932; IN COMMERCE
0-0-1932.

FOR: PLAQUES, TROPHIES, AND GAVELS,
IN CLASS 20 (U.S. CL. 50).

FIRST USE 0-0-1947; IN COMMERCE
0-0-1947.

FOR: BANNERS MADE OF FABRIC, IN
CLASS 24 (U.S. CL. 50).

FIRST USE 0-0-1947; IN COMMERCE
0-0-1947.

OWNER OF U.S. REG. NOS. 286,813, 562,904
AND OTHERS.

SER. NO. 686,169, FILED 9-24-1987.

JANICE O'LEAR, EXAMINING ATTORNEY

Int. Cls.: 14, 16, 20 and 24

Prior U.S. Cls.: 28, 32, 37, 38 and 50

Reg. No. 1,471,378

United States Patent and Trademark Office Registered Jan. 5, 1968

**TRADEMARK
PRINCIPAL REGISTER**



TOASTMASTERS INTERNATIONAL (CALIFORNIA CORPORATION)
2200 N. GRAND AVENUE
SANTA ANA, CA 92701

FOR: JEWELRY AND PRECIOUS METALWARE, NAMELY, LAPEL BUTTONS, TIE CHAINS, TIE CLASPS, CHARMS, FINGER RINGS, CUFF LINKS, BROACHES AND PENDANTS, IN CLASS 14 (U.S. CL. 28).

FIRST USE 0-0-1959; IN COMMERCE 0-0-1959.

FOR: LETTERHEAD STATIONERY, ENVELOPES, BOOKS, MAGAZINES AND NEWSLETTERS FOR HELPING PEOPLE TO IMPROVE THEIR ABILITY TO EXPRESS THEMSELVES CLEARLY AND CONCISELY AND DEVELOP AND STRENGTHEN THEIR LEADERSHIP AND EXECUTIVE POTENTIAL; MANUALS, CATALOGS, PAPER PLACE MATS, PAPER PLACE CARDS, PAPER GUEST BADGES, PORTFOLIOS (STATIONERY TYPE), BINDERS, PAPER POSTERS, BUMPER STICKERS, HEAT

TRANSFER EMBLEMS, MEMBERSHIP CERTIFICATES AND PENCIL AND PEN HOLDERS, IN CLASS 16 (U.S. CLS. 37 AND 38).

FIRST USE 0-0-1959; IN COMMERCE 0-0-1959.

FOR: PLAQUES, TROPHYS AND GAVELS, IN CLASS 20 (U.S. CLS. 32 AND 50).

FIRST USE 0-0-1959; IN COMMERCE 0-0-1959.

FOR: BANNERS MADE OF FABRIC, IN CLASS 24 (U.S. CL. 50).

FIRST USE 0-0-1959; IN COMMERCE 0-0-1959.

OWNER OF U.S. REG. NOS. 386,813, 849,614 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERNATIONAL", APART FROM THE MARK AS SHOWN.

THE LINING IS A FEATURE OF THE MARK AND DOES NOT INDICATE COLOR.

SER. NO. 628,091, FILED 11-3-1986.

EDWARD NELSON, EXAMINING ATTORNEY

EXHIBIT 6



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Welcome to the Girl Scouts professional development Web pages. For 100 years, the Girl Scouts has provided learning and development opportunities for volunteers. Today we continue in that tradition by offering high-impact programs through experiential, hands-on and technology-enhanced learning. At the Girl Scouts, we are committed to being the best leadership experience for girls. To that end, we offer a variety of programs in areas such as [leadership and learning](#), [asset management](#) and [executive development](#).

In the shaded column to the right, please find our full list of learning opportunities. For your convenience, we also answer common questions about [registration](#), [travel](#) and [accommodations](#), and provide forms for [Edith Macy's guest accommodations](#) and [travel scholarships](#). See below for additional news and upcoming events.

We invite you to attend those courses that best match your needs and the needs of those you serve within the movement. Then, take what you have learned and follow up to ensure that the girls ultimately benefit from your learning. We recognize the challenges that you face in today's environment, and hope that in spite of these challenges, you will continue to make learning and development a priority.

Thank you for visiting our pages. Come again and come often to see what new learning opportunities are available.

News and Views

Do you have any questions regarding an event or registration? E-mail your inquiries to gsuniversity@girlscouts.org

New! Macy Travel Scholarship Rates for 2013

Effective January 1, 2013, GSUSA will offer the following Macy Travel Scholarship Plan for volunteers and employed staff from Girl Scout councils to defray part of the travel costs associated with attending professional development events at the Edith Macy Conference Center.

- **Overnight guests:** Reimbursement rate of \$87.50/night for lodging
 - If you stay in a **double room** (\$175/night), you will be reimbursed \$87.50/night and be out of pocket for \$87.50/night
 - If you stay in a **single room** (\$275/night), you will still be reimbursed \$87.50/night and be out of pocket for \$187.50/night
- **Day guests, without dinner:**
 - Reimbursement rate of \$34.50/day for regular day guest amenities (full rate is \$69/day)
- **Day guests, with dinner:**
 - Reimbursement rate of \$49.50/day for day guest with dinner amenities (full rate is \$99/day)
- **All guests:**
 - Reimbursement rate of 75% of eligible travel expenses. Meals and gratuities (tips) are not included)

More information is provided on the Macy Travel Scholarship Reimbursement form. If you have any questions, please email us at gsuniversity@girlscouts.org.

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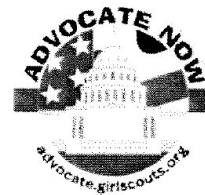
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Public Policy and Advocacy

The Washington, D.C. Office of Girl Scouts of the USA

Girl Scouts of the USA first established a Public Policy and Advocacy office in 1952. Since that time, the organization has worked to build strong relationships with Members of Congress, as well as with officials at the White House and federal departments and agencies. Through our advocacy efforts, we inform and educate key representatives of the government's legislative and executive branches about issues important to girls and Girl Scouting and lobby for increased program resources.



We have established an important partnership in Congress with the Honorary Congressional Girl Scout Troop, [Troop Capitol Hill](#), comprised of women Members of Congress. Members of Troop Capitol Hill have made a commitment to help Girl Scouts substantively address issues important to girls and Girl Scouting on a national level.

Join the Girl Scouts Advocacy Network

The Girl Scouts Advocacy Network provides a tool for you to become the voice for girls and to make a difference in your community and across the nation. Girl Scout members, volunteers, boards, staff and supporters can educate policymakers and community leaders on issues that directly affect girls and the Girl Scouts. By being an advocate, you will have an impact on girl policy issues that are moving through Congress and state legislatures.

Sign up today and begin to take action. Through this network, you can use your voice and encourage your Members of Congress to support legislation that will directly impact girls and Girl Scouts.

Addressing Issues Concerning Girls

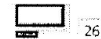
Girl Scouts of the USA's advocacy efforts help demonstrate to lawmakers that Girl Scouts is a resource and an authority on issues affecting girls. Based on almost 100 years of experience and developed from extensive [research](#), the Girl Scout Public Policy and Advocacy Office:

- Encourages girls' healthy living through combating Relational Aggression and promoting girl-positive media images;
- Ensures girls feel emotionally and physically safe;
- Promotes girls' involvement in science, technology, engineering and math (STEM);
- Develops financial literacy skills; and
- Gives a voice to girls in underserved communities.

We educate policymakers on these important issues affecting girls, using materials such as our policy priorities [fact sheet](#) (PDF) for the 113th Congress (first session). In an effort to inform officials at the state and local levels, we have developed the [state legislative agenda fact sheet](#) (PDF).

Did You Know?

- The first Girl Scout handbook was published in 1913 and was entitled *How Girls Can Help Their Country*.
- Congress chartered the Girl Scouts in March 1950.
- In Savannah, Georgia, in 1983, the second federal building named after a woman was



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Also See:

[Who We Are: History](#)
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declared the Juliette Gordon Low Federal Complex.

- Two-thirds of female members of Congress have been Girl Scouts.
- In 2001, the first Honorary Congressional Girl Scout Troop—Troop Capitol Hill—was convened and is currently comprised of all women members of Congress.

Partnerships with Girl Scout Councils

The Public Policy and Advocacy office has been engaged in a major effort to inform members of Congress and administration officials of the successful and important work of local Girl Scout councils across the country. To that end, Girl Scouts of the USA established a grass-roots network comprised of all its councils. Through this network, the organization advances a national agenda that will benefit girls and Girl Scouting.

Public Policy and Advocacy staff members also provide Girl Scout councils and State Legislative Monitoring Program groups with consultative services on legislation and advocacy.

Read more about the exciting [advocacy efforts](#) the councils are leading across the country.



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twitter	Help	girlscoutcookies.org	Our Commitment to Diversity
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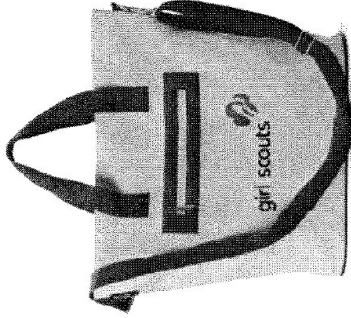
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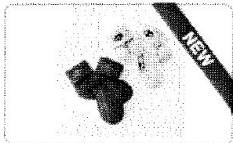
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GIRL SCOUT FASHION CREW SOCK

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BROWNIE TURN CUFF SOCK PACK

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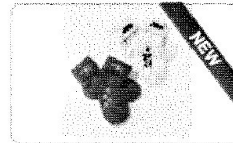
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DAISY TURN CUFF SOCK PACK

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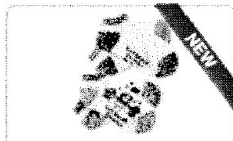
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BROWNIE JOURNEY T-SHIRT

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JUNIOR JOURNEY T-SHIRT

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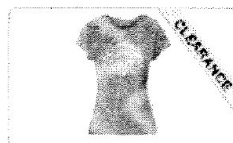
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Girl Scouts Program Message

Girl Scout program is fun with purpose! It is based on the Girl Scout Promise and Law that generations of girls have followed. The Girl Scout Leadership Experience promotes the mission that Girl Scouting builds girls of courage, confidence and character who make the world a better place.

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United Way works for a healthier America

Whether it is a neighbor without health insurance, a victim of abuse, or someone struggling with mental illness or an addiction, United Ways are working to ensure everyone has access to affordable and quality care.

Our Goal

Since 2008, we've been working to achieve our bold, 10-year goal: to increase by one-third the number of youth and adults who are healthy and avoid risky behaviors by 2018.

Our Strategy

Achieving our goal requires us all to become more aware of health risks and the potential effects they have on ourselves and others, starting from before birth. Working to change policies and practices, such as extending health care coverage, will enable more people to live healthier lives.

Health Facts

- More than 33% of children and adolescents are overweight or obese. That's 25 million kids and teenagers.
- Children with health coverage are better prepared to learn in school and succeed in life.¹
- The number of Americans without health insurance has increased steadily since the beginning of the century, now totaling about 47 million. More than 80% are working families.²
- 8.7 million children live without health insurance - more than the total number enrolled in the first and second grades in U.S. public schools.³

¹Institute of Medicine. From *Neurons to Neighborhood: The Science of Early Childhood Development*. Washington DC: National Academies Press, 2000.

²Employee Benefit Research Institute estimates from the March Current Population Survey, 2007 Supplement.

³Compiled by the State Health Access Data Assistance Center (SHADAC), University of Minnesota School of Public Health, using data from the U.S. Census Bureau's Current Population Survey 2007.

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United Way Helps Americans Achieve Financial Stability

As many as one-third of working Americans do not earn enough money to meet their basic needs. Wages have not kept pace with the rising cost of housing, healthcare, and education and currently, 40 million Americans are working in low-paying jobs without basic health and retirement benefits. For families walking a financial tightrope, unable to save for college, a home, or retirement, United Way is here to help.

Our Goal

In 2008, United Way initiated an ambitious 10-year plan to cut in half the number of lower-income families who are financially unstable. With your help, we believe that by 2018 we can help 1.9 million working families get on the road to economic independence.

Our Strategy

To address the obstacles that prevent hard working families from getting ahead financially, we launched the Financial Stability Partnership™, an initiative that promotes community-change strategies to help families meet their basic needs, while gaining the financial capability to plan for, and accomplish, their long-term financial goals.

Over 300 United Ways and their local community partners are engaged in activities and initiatives to help build the financial stability of families in their communities.

Our Focus Areas

1. Family-Sustaining Employment
2. Affordable Housing
3. Savings and Assets
4. Manageable Expenses
5. Income Supports

Click [here](#) for United Way's Income Strategies and Approaches

Click [here](#) to [read](#) about United Way Financial Stability One Stop Centers

How You Can Help

Volunteers make United Ways' tax assistance and financial education programs possible. We need your help, even if you don't have an accounting background. [Volunteer to help.](#)

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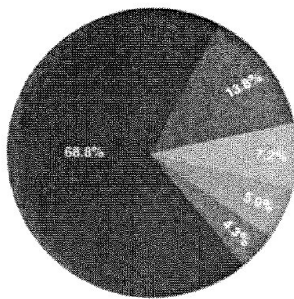
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In communities across the country, we're working every day to ensure every child has a quality education, every family has a stable income, and all Americans enjoy good health. But to continue our vital work, we need your support.

Your Contribution at Work



- Our Work in Education, Income & Health
- Development & Administrative Costs
- United Way Volunteer & Call Centers
- Our Work in Other Human Services
- Reserve Funds

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What do you love most about making tennis part of your life?

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Get your kids in the game with tennis sized right.

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Join a team and find your place in the game today.

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- Adaptive Tennis
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Find Your Game on playtennis.com

Playtennis.com is a brand new site developed to get adult tennis players in the game and playing more. Here you will find places to play, programs, teaching pros, as well as instruction articles and videos and gear reviews.

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Community Tennis Associations

Fueled by local volunteers, USTA Community Tennis Associations (CTA) exist to promote and develop the game of tennis in the community and maintain tennis programs and services, guaranteeing that they are open and accessible to all.

Health & Fitness

For many adults, taking up tennis is a choice made with physical fitness paramount in the mind. Here you can find regularly updated health and fitness tips specific to the sport, which in turn will allow you to stay on the court and have a fun, positive tennis experience.

Featured Programs

USTA League

Be a part of the action by joining the country's largest recreational tennis league – USTA League. Each year more than 325,000 players nationwide get on the court, have a good time, and step up their game.

USTA Flex Leagues

USTA Flex Leagues are now in over 70 areas in 27 states. Click here to "Search for Flex Leagues" near you!

USTA Adult/Senior Tournaments

National Adult/Senior Age Division Tournament Tennis offers men and women the opportunity to individually compete in national sanctioned tennis tournaments.

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Wheelchair Tennis



Wheelchair tennis players can participate in local wheelchair programs, wheelchair tournaments from the local to the international level, and integrate into local able-bodied programming.

Adaptive Tennis



The USTA Adaptive Tennis mission is to provide opportunities to all populations to enjoy the sport of tennis, and to realize the benefits of the sport and its life changing opportunities.

Tennis On Campus




The USTA's Tennis On Campus program is designed to provide college students with opportunities for team camaraderie, social networking, and rivaled competition through tennis without the rigors of a varsity program.

College Tennis



All across the country, college students are becoming a part of exciting co-ed tennis action that keeps their competitive fire burning and offers some serious fun!

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EXHIBIT 7

Exhibit 7

ROCKEFELLER CENTER Trademark Registrations – United States

Mark	Owner of Record	Status	Appl. No.	Appl. Date	Reg. No.	Reg. Date	Goods and Services
ROCKEFELLER CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	76978353	7/31/2002	3194828	1/2/2007	16 – gift cards, envelopes; 21 – mugs; 25 – hats, t-shirts, sweatshirts; 28 – Christmas tree ornaments
ROCKEFELLER GROUP BUSINESS CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	76219423	3/2/2001	2882149	9/7/2004	35 – licensing of office equipment, employees, office space and office support services
ROCKEFELLER CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	75237275	2/6/1997	2152113	4/21/1998	35 – arranging and conducting discount programs for restaurants and retail stores through the distribution of discount cards
ROCKEFELLER CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	74668283	4/28/1995	1960404	3/5/1996	41 - entertainment in the nature of flower and garden shows and Christmas tree lighting ceremonies
ROCKEFELLER CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	73476598	4/23/1984	1326029	3/19/1985	25 – shirts
ROCKEFELLER CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	73305161	4/10/1981	1236676	5/3/1983	36 – real estate investment and brokerage services
ROCKEFELLER CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	73290489	12/22/1980	1236674	5/3/1983	36 – complete real estate services, including project development and planning, management, operation, investment, brokerage and construction services
ROCKEFELLER CENTER	New York corporation Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	73290487	12/22/1980	1236725	5/3/1983	39 – parking garage services; 42 – restaurant services
ROCKEFELLER CENTER	Rockefeller Group, Inc. 1221 Avenue of the Americas New York, NY 10020	Registered	73290486	12/22/1980	1236749	5/3/1983	41 – entertainment services – namely, theatre, tours and ice skating

CHRYSLER BUILDING Trademark Registrations – United States

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CHRYSLER BUILDING	TS 405 Lexington Owner, L.L.C. 45 Rockefeller Plaza New York, NY 10111	Registered	78928654	7/13/2006	3318064	10/23/2007	36 – real estate services, namely, leasing, brokerage, management, and consultation related to real estate; leasing of retail space and fully equipped executive office space
CHRYSLER BUILDING	TS 405 Lexington Owner, L.L.C. 45 Rockefeller Plaza New York, NY 10111	Registered (partial Section 8 & 15 accepted)	75982939	5/6/1998	2759301	9/2/2003	16 - [Paper, cardboard and goods made from these materials, namely: note paper, writing paper, wrapping paper; children's activity books, coloring books, engagement books, picture books, educational and guide books on the subjects of New York, architecture, and history; binders, writing instruments, namely: pens, pencils, crayons and markers; photo albums, calendars, carrying cases for pens and pencils, cards, cardboard cartons, cardboard boxes, pen and pencil cases, clip boards, patterns for making clothes, paper handkerchiefs, paper file jackets, paper pillow cases, paper towels, paper table cloths, arts and craft paint kits, paper party decorations and paper party accessories, namely: paper name cards, printed paper signs, and paper streamers; paper coasters, engravings, etchings, paper mache figurines, paper flags, news bulletins, murals, architectural models and plans, mounted and unmounted photographs, portraits, greeting cards, gift cards, index cards, file cards, I postcards, [art and architecture prints, playing cards and accessories, photographs portraits, greeting cards, gift cards, index cards, file cards, postcards, art and architecture prints, playing cards and accessories, namely: score books, score cards and score pads; sketches, sketch pads, stencils, rubber stamps, straight edges, trivia cards, plastic wrap and wrapping paper; music stands, checkbook and passbook wallets]
							28 cancelled – [Games, toys and playthings, namely: action figures, action skill games, electric action toys, toy airplanes, plush toys, teddy bears, balloons, toy construction blocks, miniature cars, doll houses and doll house furniture, board games, checker sets, chess sets, card games, pinball games, gaming tables, pool cues, hobby craft sets for model cars and airplanes, hobby craft sets for architectural models, dolls, paper dolls, doll clothing and accessories, jigsaw puzzles, three-dimensional puzzles, jump ropes, toy model train sets, electronically operated toy motor vehicles, ride-on toys, rocking horses,

Mark	Owner of Record	Status	Appl. No.	Appl. Date	Reg. No.	Reg. Date	Goods and Services
							<p>puppets, musical toys, kites, flying discs, wind-up toys, yo-yos, toy noisemakers, and party favors, in the nature of small toys; recreation and sporting good items, namely, baseballs, baseball bats, bases, mitts and gloves, softballs, softball bats, mitts, and gloves; basketballs, basketball nets, goals and backboards, darts and dart boards; footballs, football body protectors and shoulder pads, soccer balls, rugby balls, lacrosse balls and sticks, hockey pucks and hockey sticks, ice skates, in-line skates, roller skates, skateboards, elbow, knee and wrist/hand pads for athletic use, replacement in-line skate wheels and brake pads, tennis rackets, balls and nets, squash rackets and squash balls, handballs and handball gloves, racquet balls, volleyballs and volleyball nets, waterskis, body boards, surfboards, fins and leashes for body boards and surfboards, sailboards, diving masks, snorkels and fins, fishing rods, reels and tackle, skis, ski poles, bindings, snowboards, golf clubs, ball and bags, bowling balls, boxing gloves and bags, dumbbells, barbells, exercise weights, exercise machines, exercise treadmills, stationary exercise bicycles, and manually-operated exercised equipment, play inflatable swimming pools and Christmas tree decorations</p>

RADIO CITY MUSIC HALL Trademark Registrations – United States

Mark	Owner of Record	Status	Appl. No.	Appl. Date	Reg. No.	Reg. Date	Goods and Services
RADIO CITY MUSIC HALL	Radio City Trademarks, LLC Two Pennsylvania Plaza New York, NY 10121	Registered – Section 8 & 15 accepted	78505090	10/25/2004	3028554	12/13/2005	25 – [sweatshirts,] shirts [and robes]
RADIO CITY	Radio City Trademarks, LLC Two Pennsylvania Plaza New York, NY 10121	Registered – Section 8 & 15 accepted	76138320	9/29/2000	2743045	7/29/2003	9 – pre-recorded video and audio tapes and discs featuring theatrical, musical and cinematic shows and performances; downloadable audio and musical sound recordings
RADIO CITY	Radio City Trademarks, LLC 2 Pennsylvania Plaza New York, NY 10121	Registered	75194037	11/6/1996	2517636	12/1/2001	6 – cancelled - [metal key chains, bells and figurines made of common (non-precious) metal]; 14 – cancelled - [ornamental lapel pins, bracelet, ornamental pins, clocks, watches, decorative Easter eggs and figurines made of precious metals, cuff links, and earrings]; 16 - [notecards,] printed programs for concerts, performances and events, [metallic bookmarks, non-metal bookmarks, coloring books, drawing rulers, letter openers and containers and holders for pencils and crayons,] books pertaining to history, [binders, desk pads, address books, paper placemats, playing cards, pens, pencils, photo albums, paperweights, gift cards,] posters, [post cards, bookends, note pads, coin holders, letter holders, pen holders, decorative Easter eggs and figurines made of paper and paper mache, and desk top boxes for desk supplies] 20 - [non-metal key chains, mirrors, hand-carved murals made of wood], picture frames, [decorative Easter eggs and figurines made of bone, ivory plaster, plastic, wax, and wood, jewelry boxes not made of metal, magazine racks,] snowglobes, [non-metal trophies, decorative mobiles, buckets and large plastic containers for popcorn,] holiday ornaments made of wood, plastic and bone, and Christmas ornaments made of wood, plastic and bone 21 - cups, mugs, [steins, non-precious metal tankards,] drinking glasses, [salt and pepper shakers, hair combs, ornamental metal dishes, porcelain bells and porcelain toothpick holders, coasters/coaster boxes, trivets, pitchers, platters, flower pots, candy dishes, glass murals, brushes (except paint brushes), plates, non-metal decorative boxes, non-metal piggy banks, vases,

Mark	Owner of Record	Status	Appl. No.	Appl. Date	Reg. No.	Reg. Date	Goods and Services
							bowls, decorative Easter eggs and figurines made of china, crystal, earthenware, glass, porcelain or terracotta, trays,] candle holders, holiday ornaments made of glass and porcelain, [and Christmas ornaments made of glass and porcelain]
							28 - Christmas tree ornaments, stuffed animals,] golf balls, play light wands, puzzles,] stuffed toy animals, plush toys, plush toy animals, stuffed toys,] board games,] decorations for Christmas trees, dolls and] apparel and accessories therefor, toy action figures and accessories therefor, mechanical action toys, electrical action toys, toy soldier figures, toy snowglobes, toy snowmen figures, puppets, toy angel figures, toy mobiles, and crib mobiles]
RADIO CITY	Radio City Trademarks, LLC Two Pennsylvania Plaza New York, NY 10121	Registered	73443403	9/12/1983	1323767	3/5/1985	41 – entertainment services – namely, the production and presentation of theatrical, musical, and cinematic shows and performances
RADIO CITY MUSIC HALL	Radio City Trademarks, LLC Two Pennsylvania Plaza New York, NY 10121	Registered	73327981	9/14/1981	1220903	12/21/1982	18 – tote bags and wallets
RADIO CITY MUSIC HALL	Radio City Trademarks, LLC 2 Pennsylvania Plaza New York, NY 10121	Registered	73179004	7/20/1978	1121615	7/3/1979	41 – entertainment services - namely, live and cinematic shows

EXHIBIT 8

Int. Cls.: 16, 21, 25, and 28

Prior U.S. Cls.: 2, 5, 13, 22, 23, 29, 30, 33, 37, 38, 39,
40, and 50

United States Patent and Trademark Office

Reg. No. 3,194,828

Registered Jan. 2, 2007

**TRADEMARK
PRINCIPAL REGISTER**

ROCKEFELLER CENTER

ROCKEFELLER GROUP, INC. (NEW YORK
CORPORATION)
1221 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: GIFT CARDS, ENVELOPES, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-2003; IN COMMERCE 12-0-2003.

FOR: MUGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29,
30, 33, 40 AND 50).

FIRST USE 5-16-2006; IN COMMERCE 5-16-2006.

FOR: HATS, T-SHIRTS, SWEATSHIRTS, IN CLASS
25 (U.S. CLS. 22 AND 39).

FIRST USE 5-16-2006; IN COMMERCE 5-16-2006.

FOR: CHRISTMAS TREE ORNAMENTS, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 5-16-2006; IN COMMERCE 5-16-2006.

OWNER OF U.S. REG. NOS. 1,326,029, 2,029,112,
AND OTHERS.

SN 76-978,353, FILED 7-31-2002.

BRIAN NEVILLE, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,326,029

Registered Mar. 19, 1985

TRADEMARK

Principal Register

ROCKEFELLER CENTER

Rockefeller Group, Inc. (New York corporation)
1230 Avenue of the Americas
New York, N.Y. 10020

For: SHIRTS, in CLASS 25 (U.S. Cl. 39).
First use Oct. 1, 1982; in commerce Oct. 1, 1982.
Owner of U.S. Reg. Nos. 1,236,674, 1,236,749 and
others.

Ser. No. 476,598, filed Apr. 23, 1984.

JUDITH BECKER, Examining Attorney

Int. Cls.: 16 and 28

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,759,301

Registered Sep. 2, 2003

**TRADEMARK
PRINCIPAL REGISTER**

CHRYSLER BUILDING

405 LEXINGTON, L.L.C. (DELAWARE LIMITED
LIABILITY COMPANY)
520 MADISON AVENUE
NEW YORK, NY 10019

FIRST USE 8-2-2000; IN COMMERCE 8-2-2000.

FOR: PAPER, CARDBOARD AND GOODS MADE FROM THESE MATERIALS, NAMELY, NOTE PAPER, WRITING PAPER, WRAPPING PAPER; CHILDREN'S ACTIVITY BOOKS, COLORING BOOKS, ENGAGEMENT BOOKS, PICTURE BOOKS, EDUCATIONAL AND GUIDE BOOKS ON THE SUBJECTS OF NEW YORK, ARCHITECTURE, AND HISTORY; BINDERS, WRITING INSTRUMENTS, NAMELY, PENS, PENCILS, CRAYONS AND MARKERS; PHOTO ALBUMS, CALENDARS, CARRYING CASES FOR PENS AND PENCILS, CARDS, CARDBOARD CARTONS, CARDBOARD BOXES, PEN AND PENCIL CASES, CLIP BOARDS, PATTERNS FOR MAKING CLOTHES, PAPER HANDKERCHIEFS, PAPER FILE JACKETS, PAPER PILLOW CASES, PAPER TOWELS, PAPER TABLE CLOTHS, ARTS AND CRAFT PAINT KITS, PAPER PARTY DECORATIONS AND PAPER PARTY ACCESSORIES, NAMELY, PAPER NAME CARDS, PRINTED PAPER SIGNS, AND PAPER STREAMERS; PAPER COASTERS, ENGRAVINGS, ETCHINGS, PAPER MACHE FIGURINES, PAPER FLAGS, NEWS BULLETINS, MURALS, ARCHITECTURAL MODELS AND PLANS, MOUNTED AND UNMOUNTED PHOTOGRAPHS, PORTRAITS, GREETING CARDS, GIFT CARDS, INDEX CARDS, FILE CARDS, POSTCARDS, ART AND ARCHITECTURE PRINTS, PLAYING CARDS AND ACCESSORIES, PHOTOGRAPHS PORTRAITS, GREETING CARDS, GIFT CARDS, INDEX CARDS, FILE CARDS, POSTCARDS, ART AND ARCHITECTURE PRINTS, PLAYING CARDS AND ACCESSORIES, NAMELY SCORE BOOKS, SCORE CARDS AND SCORE PADS; SKETCHES, SKETCH PADS, STENCILS, RUBBER STAMPS, STRAIGHT EDGES, TRIVIA CARDS, PLASTIC WRAP AND WRAPPING PAPER, MUSIC STANDS, CHECKBOOK AND PASSBOOK WALLETS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: GAMES, TOYS AND PLAYTHINGS, NAMELY, ACTION FIGURES, ACTION SKILL GAMES, ELECTRIC ACTION TOYS, TOY AIRPLANES, PLUSH TOYS, TEDDY BEARS, BALLOONS, TOY CONSTRUCTION BLOCKS, MINIATURE CARS, DOLL HOUSES AND DOLL HOUSE FURNITURE, BOARD GAMES, CHECKER SETS, CHESS SETS, CARD GAMES, PINBALL GAMES, GAMING TABLES, POOL CUES, HOBBY CRAFT SETS FOR MODEL CARS AND AIRPLANES, HOBBY CRAFT SETS FOR ARCHITECTURAL MODELS, DOLLS, PAPER DOLLS, DOLL CLOTHING AND ACCESSORIES, JIGSAW PUZZLES, THREE-DIMENSIONAL PUZZLES, JUMP ROPES, TOY MODEL TRAIN SETS, ELECTRONICALLY OPERATED TOY MOTOR VEHICLES, RIDE-ON TOYS, ROCKING HORSES, PUPPETS, MUSICAL TOYS, KITES, FLYING DISCS, WIND-UP TOYS, YO-YOS, TOY NOISE-MAKERS, AND PARTY FAVORS IN THE NATURE OF SMALL TOYS; RECREATION AND SPORTING GOOD ITEMS, NAMELY, BASEBALLS, BASEBALL BATS, BASES, MITTS AND GLOVES, SOFTBALLS, SOFTBALL BATS, MITTS, AND GLOVES; BASKETBALLS, BASKETBALL NETS, GOALS AND BACKBOARDS, DARTS AND DART BOARDS; FOOTBALLS, FOOTBALL BODY PROTECTORS AND SHOULDER PADS, SOCCER BALLS, RUGBY BALLS, LACROSSE BALLS AND STICKS, HOCKEY PUCKS AND HOCKEY STICKS, ICE SKATES, IN-LINE SKATES, ROLLER SKATES, SKATEBOARDS, ELBOW, KNEE AND WRIST/HAND PADS FOR ATHLETIC USE, REPLACEMENT IN-LINE SKATE WHEELS AND BRAKE PADS, TENNIS RACKETS, BALLS AND NETS, SQUASH RACKETS AND SQUASH BALLS, HANDBALLS AND HANDBALL GLOVES, RACQUET BALLS, VOLLEYBALLS AND VOLLEYBALL NETS, WATERSKIS, BODY BOARDS, SURFBOARDS, FINS AND LEASHES FOR BODY BOARDS AND SURFBOARDS, SAILBOARDS, DIVING MASKS, SNORKELS AND FINS, FISHING RODS, REELS AND TACKLE, SKIS, SKI POLES, BINDINGS, SNOWBOARDS, GOLF CLUBS,

BALL AND BAGS, BOWLING BALLS, BOXING
GLOVES AND BAGS, DUMBBELLS, BARBELLS,
EXERCISE WEIGHTS, EXERCISE MACHINES, EX-
ERCISE TREADMILLS, STATIONARY EXERCISE
BICYCLES, AND MANUALLY-OPERATED EXER-
CISED EQUIPMENT, PLAY INFLATABLE SWIM-
MING POOLS AND CHRISTMAS TREE

DECORATIONS, IN CLASS 28 (U.S. CLS. 22, 23, 38
AND 50).

FIRST USE 3-4-1999; IN COMMERCE 3-4-1999.

SN 75-982,939, FILED 5-6-1998.

TRICIA SONNEBORN, EXAMINING ATTORNEY

Int. Cls.: 6, 14, 16, 20, 21, and 28

Prior U.S. Cls.: 2, 5, 12, 13, 14, 22, 23, 25, 27, 28, 29,
30, 32, 33, 37, 38, 40, and 50

Reg. No. 2,517,636

United States Patent and Trademark Office Registered Dec. 11, 2001

TRADEMARK
PRINCIPAL REGISTER

RADIO CITY

RADIO CITY TRADEMARKS, LLC (DELAWARE
LIMITED LIABILITY COMPANY)
2 PENNSYLVANIA PLAZA
NEW YORK, NY 10121 ASSIGNEE OF; BY ASSIGN-
MENT ROCKEFELLER GROUP, INC. (NEW
YORK CORPORATION) NEW YORK, NY 10020

FOR: METAL KEY CHAINS, BELLS AND FIGUR-
INES MADE OF COMMON (NON-PRECIOUS) ME-
TAL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND
50).

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

FOR: ORNAMENTAL LAPEL PINS, BRACELETS,
ORNAMENTAL PINS, CLOCKS, WATCHES, DEC-
ORATIVE EASTER EGGS AND FIGURINES MADE
OF PRECIOUS METALS, CUFF LINKS, AND EARR-
INGS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

FOR: NOTECARDS, PRINTED PROGRAMS FOR
CONCERTS, PERFORMANCES AND EVENTS, ME-
TALLIC BOOKMARKS, NON-METAL BOOK-
MARKS, COLORING BOOKS, DRAWING RULERS,
LETTER OPENERS AND CONTAINERS AND
HOLDERS FOR PENCILS AND CRAYONS, BOOKS
PERTAINING TO HISTORY, BINDERS, DESK
PADS, ADDRESS BOOKS, PAPER PLACEMATS,
PLAYING CARDS, PENS, PENCILS, PHOTO AL-
BUMS, PAPERWEIGHTS, GIFT CARDS, POSTERS,
POST CARDS, BOOKENDS, NOTE PADS, COIN
HOLDERS, LETTER HOLDERS, PEN HOLDERS,
DECORATIVE EASTER EGGS AND FIGURINES
MADE OF PAPER AND PAPER MACHE, AND
DESK TOP BOXES FOR DESK SUPPLIES, IN CLASS
16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

FOR: NON-METAL KEY CHAINS, MIRRORS,
HAND-CARVED MURALS MADE OF WOOD, PIC-
TURE FRAMES, DECORATIVE EASTER EGGS

AND FIGURINES MADE OF BONE, IVORY PLAS-
TER, PLASTIC, WAX, AND WOOD, JEWELRY
BOXES NOT MADE OF METAL, MAGAZINE
RACKS, SNOWGLOBES, NON-METAL TROPHIES,
DECORATIVE MOBILES, BUCKETS AND LARGE
PLASTIC CONTAINERS FOR POPCORN, HOLIDAY
ORNAMENTS MADE OF WOOD, PLASTIC AND
BONE, AND CHRISTMAS ORNAMENTS MADE OF
WOOD, PLASTIC AND BONE, IN CLASS 20 (U.S.
CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

FOR: CUPS, MUGS, STEINS, NON-PRECIOUS
METAL TANKARDS, DRINKING GLASSES, SALT
AND PEPPER SHAKERS, HAIR COMBS, ORNA-
MENTAL METAL DISHES, PORCELAIN BELLS
AND PORCELAIN TOOTHPICK HOLDERS, COAST-
ERS/COASTER BOXES TRIVETS, PITCHERS, PLAT-
TERS, FLOWER POTS, CANDY DISHES, GLASS
MURALS, BRUSHES (EXCEPT PAINT BRUSHES),
PLATES, NON-METAL DECORATIVE BOXES,
NON-METAL PIGGY BANKS, VASES, BOWLS, DEC-
ORATIVE EASTER EGGS AND FIGURINES MADE
OF CHINA, CRYSTAL, EARTHENWARE, GLASS,
PORCELAIN OR TERRACOTTA, TRAYS, CANDLE
HOLDERS, HOLIDAY ORNAMENTS MADE OF
GLASS AND PORCELAIN, AND CHRISTMAS OR-
NAMENTS MADE OF GLASS AND PORCELAIN, IN
CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

FOR: CHRISTMAS TREE ORNAMENTS,
STUFFED ANIMALS, GOLF BALLS, PLAY LIGHT
WANDS, PUZZLES, STUFFED TOY ANIMALS,
PLUSH TOYS, PLUSH TOY ANIMALS, STUFFED
TOYS, BOARD GAMES, DECORATIONS FOR
CHRISTMAS TREES, DOLLS AND APPAREL AND
ACCESSORIES THEREFOR, TOY ACTION FIG-
URES AND ACCESSORIES THEREFOR, MECHAN-
ICAL ACTION TOYS, ELECTRICAL ACTION TOYS,
TOY SOLDIER FIGURES, TOY SNOWGLOBES, TOY
SNOWMEN FIGURES, PUPPETS, TOY ANGEL FIG-

URES, TOY MOBILES, AND CRIB MOBILES, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

OWNER OF U.S. REG. NOS. 1,214,000; 1,323,767,
AND OTHERS.

SN 75-194,037, FILED 11-6-1996.

FIRST USE 8-0-1999; IN COMMERCE 8-0-1999.

MATTHEW PAPPAS, EXAMINING ATTORNEY.

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,028,554

Registered Dec. 13, 2005

**TRADEMARK
PRINCIPAL REGISTER**

**RADIO CITY MUSIC
HALL**

RADIO CITY TRADEMARKS, LLC (DELAWARE
LTD LIAB CO)
TWO PENNSYLVANIA PLAZA
NEW YORK, NY 10021

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: SWEATSHIRTS, SHIRTS AND ROBES, IN
CLASS 25 (U.S. CLS. 22 AND 39).

SER. NO. 78-505,090, FILED 10-25-2004.

FIRST USE 0-0-1997; IN COMMERCE 0-0-1997.

MONTIA G. PRESSEY, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cl.: 3

United States Patent and Trademark Office

Reg. No. 1,220,903

Registered Dec. 21, 1982

TRADEMARK
Principal Register

RADIO CITY MUSIC HALL

Rockefeller Center, Inc. (New York corporation)
1230 Avenue of the Americas
New York, N.Y. 10020

For: TOTE BAGS AND WALLETS, in CLASS
18 (U.S. Cl. 3).
First use Oct. 18, 1979; in commerce Oct. 18, 1979.

Ser. No. 327,981, filed Sep. 14, 1981.

ABRAM I. SACHS, Examining Attorney

EXHIBIT 9

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,670,332**
Registered Dec. 31, 1991

TRADEMARK
PRINCIPAL REGISTER

PEARL HARBOR II

MCKESSON, ROBERT W. (UNITED STATES
CITIZEN)
621-35TH AVE., NORTH
ST. PETERSBURG, FL 33704

FIRST USE 8-16-1990; IN COMMERCE
8-16-1990.

SER. NO. 74-102,712, FILED 10-3-1990.

FOR: T-SHIRTS, IN CLASS 25 (U.S. CL. 39). JEFFREY R. COHEN, EXAMINING ATTORNEY

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9, and 17

United States Patent and Trademark Office

Reg. No. 2,974,078

Registered July 19, 2005

**TRADEMARK
PRINCIPAL REGISTER**

PEARL HARBOR

MENG, JUN (CHINA INDIVIDUAL)
4603 GATEWOOD CIRCLE
DULUTH, GA 300972302

SN 78-321,317, FILED 10-30-2003.

FOR: CIGARETTES, IN CLASS 34 (U.S. CLS. 2, 8, 9
AND 17).

FIRST USE 2-15-2005; IN COMMERCE 2-15-2005.

JANICE L. MCMORROW, EXAMINING ATTOR-
NEY

Int. Cl.: 13

Prior U.S. Cl.: 9

United States Patent and Trademark Office

Reg. No. 1,713,457

Registered Sep. 8, 1992

**TRADEMARK
PRINCIPAL REGISTER**

PEARL HARBOR

CHINA PYROTECHNICS, INC. (ALABAMA
CORPORATION)
202 N. COURT STREET
FLORENCE, AL 35630

FIRST USE 1-5-1990; IN COMMERCE
1-5-1990.

SER. NO. 74-229,230, FILED 12-11-1991.

FOR: FIREWORKS, IN CLASS 13 (U.S. CL. 9). DAVID H. STINE, EXAMINING ATTORNEY